

5905-6
L A W S

OF THE

S T A T E

OF

NEW-YORK

Passed by the Legislature of said State, at their Ninth Session.

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L A W S

OF THE

STATE OF NEW-YORK;

Passed at the First Meeting of the Ninth Session of the Legislature
of the said State.

CHAP. I.

AN ACT *relative to Buildings in the City of New-York.* Passed the 31st of January, 1786.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all and every Fine or Penalty incurred before the passing of this Act, for any Offence or Neglect committed or suffered contrary to the true Intent and Meaning of an Act, entitled, "An Act for the more effectual Prevention of Fires, and for regulating of Buildings in the City of New-York," passed the 31st of December, in the Year of our Lord, 1761, and of the Act, entitled, "An Act to amend an Act for the more effectual Prevention of Fires, and for regulating of Buildings in the City of New-York," passed the 1st of April, 1775, shall be, and the same are hereby respectively remitted, and that the two above-mentioned Laws be, and they hereby are suspended, until the first Day of January next.

All Fines incurred for building in the City of New-York, contrary to two Acts herein recited remitted, and the said Acts suspended.

CHAP. II.

A supplementary Act to the Act, entitled, "An Act vesting the real Estate of Benjamin Moore, Senior, late of the City of New-York, Sail-Maker, deceased, in Trustees for the Payment of his Debts, and for other Purposes therein mentioned. Passed the 31st of January, 1786.

WHEREAS it was necessary in and by the said Act, that the Trustees thereby appointed, should, before they exercised any of the Powers to them in and by the said Act given, file in the Court of Chancery, a Bond in such Penalty and to such Person or Persons as the Chancellor should think fit, conditioned for the faithful discharge of the Trust and Powers vested in the said Trustees, in and by the said Act, and to render an Account of the aforesaid Estate when thereunto required. And whereas the Absence of the Chancellor from the City of New-York, after the passing of the said Act, prevented the filing of the said Bond, agreeable to the Directions of the said Act:

Preamble, reciting that it was necessary for the Trustees to file a Bond in Chancery before they exercised their Powers.

Bond filed by Trustees, declared good as well as all their Proceedings, though they were not strictly agreeable to Law.

I. *Be it enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the said Bond, filed by the said Trustees as aforesaid, and all and every of their Proceedings under the said Act, before and since the filing of the said Bond, shall be and hereby are declared to be as good valid and effectual in Law and Equity, to all Intents, Constructions and Purposes whatsoever, as if the said Bond had been filed before any Proceedings were had in Virtue and Pursuance of the said Act, any Thing in the aforesaid Act to the contrary thereof in any wise notwithstanding.

C H A P. III.

AN ACT to pardon John Griffen, of the Felony therein mentioned. Passed the 31st of January, 1786.

Preamble, reciting that John Griffen was convicted of Murder.

John Griffen pardoned.

WHEREAS John Griffen, late of Bedford, in the County of Westchester, Labourer, was indicted, tried, and convicted of the Murder of John Stron, late of the said County, and was sentenced to be executed for the said Felony and Murder. AND WHEREAS, for certain special Reasons suggested to the Legislature, it is deemed Proper to pardon the said John Griffen: Therefore,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the said John Griffen be, and he is hereby fully and absolutely discharged and pardoned, of and from the Felony aforesaid, and the Conviction aforesaid, and from Execution and all Forfeitures thereon.

C H A P. IV.

AN ACT further to continue the Treasurer of this State in Office. Passed the 4th of February, 1786.

G. Bancker, Esq; continued Treasurer until sixty Days after the first Monday in July, 1788.

Oath to be taken by him for the faithful Performance of his Duty as Treasurer.

Speaker of the Assembly to take a Bond for 20,000l. with four Securities from the said Gerard Bancker, and to lodge the same in the Secretary's Office.

On the Expiration of the Time for which the said Gerard Bancker is appointed Treasurer, a Certificate, as herein directed, to operate as a Discharge of said Bond.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That Gerard Bancker, Esquire, shall be, and he hereby is continued in Office as Treasurer of this State, until sixty Days after the rising of the Legislature at their next Meeting after the first Monday in July, which will be in the Year of our Lord One Thousand Seven Hundred and Eighty-eight.

II. And be it further enacted by the Authority aforesaid, That the said Gerard Bancker, Esquire, if he shall take upon him the Execution of the said Office, shall, on or before the first Day of April next, appear before one of the Judges of the Supreme Court of this State, and take the following Oath, viz. I Gerard Bancker, appointed Treasurer of this State, do solemnly and sincerely swear and declare, in the Presence of Almighty God, that I will, during my Continuance therein, well, faithfully and honestly, to the best of my Knowledge and Ability, execute the Office of Treasurer of this State; and that I will not on any Occasion or Pretence, apply any Monies which shall or may come to my Hands as belonging to this State, to any private Uses or Purposes whatsoever.—So help me God.

III. And be it further enacted by the Authority aforesaid, That the Speaker of the Assembly for the Time being, shall take a Bond from the above named Gerard Bancker, on or before the said first Day of April next, with not less than four sufficient Securities to the People of this State, in the Sum of Twenty Thousand Pounds, lawful Money of this State, with a Condition that he the said Gerard Bancker, shall and will well, faithfully, and honestly execute and perform the Duties of the said Office, which Bond when so taken shall be lodged in the Secretary's Office of this State.

IV. And be it further enacted by the Authority aforesaid, That if the said Gerard Bancker shall, upon the Expiration of the Time for which by this Act he is continued in Office, procure and lodge in the Office of the Secretary of the State, a Certificate duly executed by the Auditor of the State, and the Committee appointed, or to be appointed to assist the Auditor in the Settlement of the public Accounts, expressing that the Accounts of the said Gerard Bancker, as Treasurer, are regularly stated and balanced; and also, that the Balance of Money, if any there be, is actually

in the Treasury ; such Certificate, when lodged in the Office of the Secretary of the State as aforesaid, shall be, to all Intents and Purposes, a discharge of the Bond directed by this Act to be given by the Treasurer, with Securities, for the faithful Performance of the Duties of his Office as aforesaid.

On the Execution of said Bond, Securities given by said Gerard Bancker, discharged.

V. And be it further enacted by the Authority aforesaid, That immediately after the Execution of the Bond aforesaid, the Securities heretofore by the said Gerard Bancker given, as Treasurer of this State, shall be, and they are hereby discharged from their several Obligations ; any Thing in this, or any other Law of this State to the Contrary hereof notwithstanding.

On the Execution of said Bond former Securities given by said Gerard Bancker, discharged.

CHAP. V.

AN ACT to revive and continue an Act, entitled, AN ACT to amend an Act, entitled, AN ACT to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House at Sandy-Hook, and also the Act thereby amended. Passed the 4th of February, 1786.

WHEREAS the said amended Act hath expired by its own Limitation : Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Act, entitled, " AN ACT to lay a Duty of Tonnage on Vessels, for defraying the Expence of the Light-House at Sandy-Hook," passed the 12th Day of February, 1784 ; and also the Act passed 15th of February, 1785, entitled, An Act to amend an Act, entitled, An Act to lay a Duty of Tonnage on Vessels, for defraying the Expence of the Light-House at Sandy-Hook, passed the 12th of February, 1784, shall be, and the said Acts are hereby revived and continued in Force until the first Day of May, which will be in the Year of our Lord One Thousand Seven Hundred and Ninety.

Acts for laying a Duty of Tonnage on Vessels, to defray the Expence of the Light-House, continued until 1790.

II. AND WHEREAS, by the sixth Section of the Act aforesaid, passed the 12th Day of February, 1784, the Sum of Forty Pounds per Annum, is allowed to the Clerk of the Master and Wardens of the Port of New-York, which Sum the said Master and Wardens represent as inadequate to his Services :

Recital.

III. Be it further enacted by the Authority aforesaid, That from and after the passing of this Act, and during the Continuance thereof, the Sum of Fifty Pounds per Annum, shall be allowed and paid to the Clerk of the Master and Wardens of the Port of New-York, out of the Monies to be raised by Virtue of this Act.

50l. per Annum allowed to the Clerk of the Wardens of the Port of New-York.

CHAP. VI.

AN ACT to naturalize Dominick Lynch. Passed the 4th of February, 1786.

WHEREAS Dominick Lynch hath, by his Petition, prayed to be naturalized.

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the said Dominick Lynch, shall be, and he hereby is naturalized, and shall from and immediately after having taken and subscribed in any Court of Record within this State the Oath of Allegiance to this State, and abjured and renounced all Allegiance and Subjection to all and every foreign King, Prince, Potentate and State, in all Matters ecclesiastical as well as civil, be deemed a Citizen of this State, to all Intents, Constructions and Purposes whatsoever ; and that the Court in which the said Oath shall be administered, shall cause an Entry thereof to be made in the Records of the said Court, and shall give to him a Certificate thereof, for which the Judges of the said Court shall be entitled to demand and receive Six Shillings, and the Clerk of such Court Three Shillings, and no more.

Dominick Lynch declared to be naturalized, and after having taken the Oath of Allegiance to this State, to be considered as a Citizen.

C H A P. VII.

AN ACT for regulating Trials upon Writts of Right. Passed the 6th of February, 1786.

Preamble.

WHEREAS formerly Trials upon Writts of Right, were by Battle, or the Grand Affize. And whereas, the barbarous Custom of Trials by Battle, hath deservedly fallen into disuse, but hath never been abrogated by Law. And whereas, by the Institution of the Trial by the Grand Affize, four Knights are to be summoned to elect the Recognitors. And whereas, there is not, nor cannot by Law, be any such Order of Men in this State:

Trials by Battle abolished.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That Trials by Battle in all Cases shall be, and hereby are forever abolished.

In all Writts of Right, for summoning Electors, instead of the Words, "four lawful Knights of your County, girt with Swords," the Words "four good and lawful Men of the County" shall be inserted.

II. *And be it further enacted by the Authority aforesaid,* That in all Writts hereafter to be issued for summoning Electors of the Grand Affize, instead of the Words, "four lawful Knights of your County, girt with Swords," the Words, "four good and lawful Men of your County" shall be inserted. And that every of the said Men to be summoned and returned to make Election of the Grand Affize, shall always be such as are or shall be duly qualified to vote for Senators, according to the Constitution of this State.

Electors summoned being challenged, how such Challenge shall be made.

III. *And be it further enacted by the Authority aforesaid,* That if either Party shall have Cause to challenge the Electors so summoned and returned, or any of them, such Challenge shall be taken and made upon their Appearance, and before they be sworn to make Election of the Grand Affize, and not after; and the Justices shall thereupon proceed to try and determine such Challenges in such Manner as Challenges, in Cases of common Juries are, by Law, to be tried and determined. And if any such Electors shall be found not duly qualified, or not indifferent between the Parties, then a new Writ shall be issued for summoning another, or others, as the Case may require; and those who are not challenged, or found duly qualified and indifferent between the Parties as well as the Parties, shall be adjourned over to the Day of the Return of such new Writ. And when such four Electors as shall not be challenged, or shall be found duly qualified and indifferent shall appear, they shall be severally sworn, lawfully and truly to chuse, in the Presence of the Parties in Addition to themselves, twenty other good and lawful Men of the County, who best know and will declare the Truth between the Parties to make Recognition of the Grand Affize; and every of the Recognitors so to be chosen by the said four Electors, shall always be such Men as shall be duly qualified by the Laws of this State, to serve as Jurors upon Trials at Bar in the Supreme Court; and if either Party shall have Cause to challenge any of the said Recognitors, such Challenge shall be taken and made before the said four Electors, who shall immediately try and determine the same. And if any Man named by the said four Electors as a Recognitor, shall be challenged, and found not duly qualified, or not indifferent between the Parties, they shall leave his Name out of the Pannel, and chuse another in his Stead; and when they have compleated a Pannel of twenty-four Recognitors of themselves, and others as aforesaid, they shall, in their proper Persons, return and deliver the same to the Justices in open Court.

And if on such Challenge, any Electors are found not qualified, a new Writ to be issued.

If the Electors are not challenged, then they are to chuse, in Presence of the Parties, twenty other lawful Men of the County, in Addition to themselves, as Recognitors.

If any of said twenty Men are challenged by the Parties, others to be chosen in their Stead.

After Delivery of such Pannel, Recognitors to be commanded by Writ to make Recognizance on a certain Day.

IV. *And be it further enacted by the Authority aforesaid,* That upon the Delivery of such Pannel into Court, a Writ shall issue to the proper Officer, commanding him to Cause the said Recognitors to come before the Justices at a certain Day and Place, to make Recognition of the Grand Affize between the Parties. And if the Cause is to be tried at the Circuit Court in any of the Counties, a proper Clause of Nisi Prius shall be inserted in such Writ for the Purpose; and when a sufficient Number of the said Recognitors shall appear to make the said Recognition, such or them as do appear, shall be called and sworn as they stand upon the said Pannel, until sixteen of them shall be sworn, who shall make the said Recognition.

Writts of Distringas to issue against Recognitors for Non-appearance.

V. *And be it further enacted by the Authority aforesaid,* That if a sufficient Number of the said Recognitors, to make the said Recognition shall not appear at the Return of the first Process for summoning them, Writts of Distringas shall be issued against them from Time to Time, until they shall appear.

Trials on Writts of Right, where to be had.

VI. *And be it further enacted by the Authority aforesaid,* That all Trials upon Writts of Right, shall be had in the County where the Tenements in Demand shall be situated, unless the Court upon Motion of either Party shall order the Trial to be at the Bar of the Supreme Court.

C H A P. VIII.

AN ACT for taking the Number of Inhabitants within this State. Passed the 8th of February, 1786.

WHEREAS in Order fully to comply with the Act of Congress of the 18th Day of April, 1783, it is become necessary to take the Number of all the Inhabitants within this State, except Indians, not paying Taxes.

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Secretary of this State, shall forthwith cause a competent Number of blank Returns to be printed in the Form of the Schedule annexed to this Act, and shall, on or before the first Day of April next deliver, or cause to be delivered to the Sheriff of each County within this State for the Time being, such a Number of the said Returns, as the said Secretary shall deem sufficient to accomplish the Purposes intended by this Act, together with a Copy of this Act.

Secretary to have blank Returns of the Schedule printed, and sent to the Sheriffs by 1st of April, with a Copy of this Act.

That it shall be the Duty of each Sheriff, on or before the first Day of May next, to deliver, or cause to be delivered, a competent Number of such Returns to any one of the Constables in each of the Districts within his County, requiring and commanding such Constable to take the Number of the Inhabitants within his District, and to enter the Number of Inhabitants under the respective Heads in the Returns so to be delivered by the Sheriff; and after having taken the Number of the Inhabitants, and entered them as before directed, to subscribe such Return, certifying the same to be a true Return on his Oath of Office, and deliver, or cause the same to be delivered to the Sheriff in whose County such Constable doth reside, on or before the fifteenth Day of June next; and each Sheriff is hereby strictly required to deliver, or cause to be delivered, all the Returns, compleated in the Manner aforesaid, from the different Districts within his County, countersigned by himself, and certifying on his Oath of Office, that the Returns so by him delivered, are the true Returns made to him by the respective Constables, to the Secretary of the State, on or before the first Day of August next; and the Secretary of the State shall, within one Month next after he shall have received the Returns from the different Sheriffs, make out one general Return, containing a like Number of Columns as in the Schedule annexed, and captioned in like Manner, except the first Column, over which shall be written, "Names of the Counties," and opposite to each County, and under the respective Heads contained in the other Columns, he shall enter the aggregate of all the Numbers contained in the corresponding Columns of the District Returns; and having made out such general Return, and signed the same, shall deliver the same to the Person administering the government of this State for the Time being, to be by him transmitted to Congress.

The Sheriff, before the 1st of May next, to deliver Schedules to Constables, with Orders to number the Inhabitants, &c.

The Constables Returns made to the Sheriffs by the 15th June next.

Secretary's Returns to be made to the Governor, in one Month after Returns made to him.

II. And be it further enacted by the Authority aforesaid, That if any Constable shall neglect or refuse to perform the Duties enjoined him by this Act, or shall not deliver, or cause to be delivered to the Sheriff, the Return by this Act required, on or before the Time by this Act appointed, such delinquent Constable shall forfeit to the People of this State the Sum of Ten Pounds, and a like further Sum of Ten Pounds, for every Month he shall continue so delinquent, to be recovered by the Sheriff of the County, in his own Name, before any Justice of the Peace; and the Fine or Fines so recovered, to pay into the Treasury of this State, and on every Judgment to be rendered for such Fine or Fines, Execution shall issue forthwith after such Judgment rendered. And further, that if any Sheriff shall not perform the Duties enjoined him by this Act, or shall neglect or refuse to make the Return to the Secretary of the State, by the Time in this Act mentioned, such delinquent Sheriff shall forfeit to the People of this State, the Sum of Fifty Pounds, and a like further Sum of Fifty Pounds, for every Month he shall continue delinquent; to be recovered by the Secretary of the State, in his own Name, in any Court of Record within this State, and the Fine or Fines so recovered, to pay into the Treasury of this State. PROVIDED ALWAYS, That such delinquent Sheriff shall not be liable to Prosecution by this Act, if on the said first Day of August next, he shall file a Certificate in the Secretary's Office, signed by the Magistrate before whom a delinquent Constable has been brought and prosecuted, that such delinquent Constable was convicted. AND PROVIDED ALSO, That at the End of every future Month, whilst the

Constables delinquent, to be fined 10l. &c.

How recovered.

On every Judgment for certain Fines, Execution to issue forthwith.

Sheriffs delinquent to be fined 50l. &c.

How recovered.

Proviso.

Excusing Sheriffs where Constables are convicted of Delinquency.

Allowance to
Sheriffs and Con-
stables, by their
respective Counties.

III. And be it further enacted by the Authority aforesaid, That the Sheriffs and Constables, shall severally be allowed such Sum for their Services, as the Corporation of the City of New-York, and the Supervisors of the several Counties shall respectively deem an adequate Compensation for the Duties enjoined by this Act; and that such Allowance shall be deemed a County Charge, and be levied and paid in like Manner as other County Charges are levied and paid.

SCHEDULE.

Names of the Heads of Families.	Citizens and Inhabitants.					Slaves.		Indians who pay Taxes.
	Males under 16 Years.	Males a- bove 16 and under 60 Years.	Males above 60 Years.	Females under 16 Years.	Females above 16 Years.	Male Negro Slaves.	Female Negro Slaves.	

CHAP. IX.

AN ACT for the better levying and accounting for Fines, Forfeitures, Issues, Amerciaments, and Debts due to the People of this State. Passed the 9th of February, 1786.

A Court of Ex-
chequer, for hearing
and determining
Causes and con-
cerning Fines, &c.
due to the State, to
be held by the Ju-
nior Justice of the
Supreme Court, &c.

Who is to issue
Process for levying
Fines, &c.

To audit Ac-
counts.

To issue Process
for Recovery of
Monies on forfeited
Recognizances, &c.

To adjourn diffi-
cult Cases into the
Supreme Court.

Clerk of the
Court of Exche-
quer how appoint-
ed.

His Duty as to
keeping of Minutes,
issuing Processes,
&c.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Junior Justice of the Supreme Court of Judicature of this State, for the Time being, or in his Absence one other of the Puisne Justices of the same Court shall and may, during every Term of the said Supreme Court, or during such Part thereof as may be necessary in some convenient Place near where the said Supreme Court shall then sit, hold a Court for the hearing and determining of all Causes, Matters, and Things concerning Fines, Forfeitures, Issues, Amerciaments, and Debts due to the People of this State, according to Law, and the Course of the Exchequer. And that it shall and may be lawful, to and for such Justice to cause due Process of Law to be issued for the levying of all Fines, Forfeitures, Issues, and Amerciaments, which have been, or hereafter may be set, laid, imposed, assessed, lost, or adjudged in any Court of Record of this State, and to cause all Sheriffs, Coroners, and other Officers who have received, or hereafter shall or may receive any Monies for any such Fines, Forfeitures, Issues, or Amerciaments, duly to account for the same, and to examine, audit, and settle such Accounts; and to cause the Sums which shall appear or be found to be due thereon to be duly paid, and to cause due Process of Law to be issued for recovering all Monies upon Recognizances forfeited, or to become forfeited to the People of this State; and to hear and determine all Questions and Matters concerning the same, and the Forfeiture thereof; and upon good Cause shewn, to remit any such Forfeiture, or Part thereof, and to discharge such Recognizance according to Equity and Justice. And further, That it shall and may be lawful, to and for such Justice, in all Cases of Difficulty, to adjourn the Cause and Matter, and deliver the Record thereof into the Supreme Court, where the same shall be heard and determined; and then the said Record shall be sent back by the Clerk of the said Supreme Court, to the said Court so to be held before the Junior, or other Puisne Justice of the said Supreme Court, in order that Execution may be there done according to Law.

II. And be it further enacted by the Authority aforesaid, That the Justices of the Supreme Court for the Time being, from Time to Time, when and as often as may be necessary, by Rule or Order, to be entered in the Minutes of the same Supreme Court, shall nominate, and the Chief Justice of the same Supreme Court under his Hand, and the Seal of the same Supreme Court, commission an experienced and proper Person to be Clerk of the Court so to be held, who shall be called the Clerk of the Exchequer in the Supreme Court, and shall hold his Office during the Pleasure of the Justices of the said Supreme Court; and such Clerk shall make and enter all such Minutes, Memorandums and Records, and make and issue all such Process, as such Justice who shall hold such Exchequer Court shall, from Time to Time direct. And shall receive and be accountable for all Monies...

shall yearly on the first Day of January Term, in every Year, make a just and true Account, upon his Oath, of all Monies paid into the said Exchequer Court, and of all Expences by him paid for Stationary, and other Necessaries for the said Office, and produce the same Account to such Justice as may then hold the same Exchequer Court, for his Allowance and Approbation thereof; and shall within twenty Days thereafter, deliver a true Copy of such Account so approved, to the Treasurer of this State for the Time being, and pay to the same Treasurer for the Use of this State, the Amount of such Account, after deducting thereout the Salary allowed to the said Clerk, and the Sums so allowed for Necessaries as aforesaid, upon Pain of forfeiting his Office for any Neglect of his Duty therein, besides being answerable for the Monies in his Hands.

Delinquency—
forfeiture of Office,
&c.

III. And be it further enacted by the Authority aforesaid, That the Justices of the Supreme Court for the Time being, shall devise and cause to be made, a Seal for the said Exchequer Court, upon which shall be engraved the Words, NEW-YORK EX-CHEQUER SEAL, and shall deliver a Description thereof in Writing, to the Secretary of this State, to be deposited and recorded among the Records of this State, and shall deliver the said Seal to the Clerk of the said Exchequer Court, who shall pay for the same out of the Monies to be by him received as aforesaid. And further, That all Process of the said Exchequer Court, shall be made in the Name of the People of the State of New-York, and be tested in the Name of the Junior Justice of the Supreme Court for the Time being, and signed by the Clerk of the said Court of Exchequer, and sealed with the said Seal so to be made; and shall be returnable as follows, that is to say, "Before one of our Justices of our Supreme Court, in our Court of Exchequer," on such Day as the said Court of Exchequer may then be appointed to be held, wheresoever the same Court shall then be held.

A Seal for the
Court of Exche-
quer.

The Processes of
this Court how
made and tested.

How returned.

IV. And be it further enacted by the Authority aforesaid, That every such Clerk so to be appointed, before he enters upon the Execution of his Office, shall take the Oaths required by Law, to be taken by ministerial Officers; and shall be allowed and paid the yearly Salary of Two Hundred and Fifty Pounds for his Services; but shall not upon any Pretence whatsoever, have, receive, accept, or take, any Fees, Perquisites, or Reward whatsoever, for any of the Services by him to be performed in the Execution of his said Office.

The Clerk to
take the Oath of
Office.

His Salary 250l.
per Annum.

V. And be it further enacted by the Authority aforesaid, That no Justice of the said Supreme Court, who may at any Time hold the said Court of Exchequer, shall have, receive, accept, or take any Fees, Perquisites, or Reward whatsoever, for any Services by him to be performed by Virtue of this Act; his Salary and Fees, as Justice of the Supreme Court, being considered as a full Compensation for the Services aforesaid.

No Fee or Re-
ward allowed the
Justice of this
Court, &c.

VI. And be it further enacted by the Authority aforesaid, That the respective Clerks of every Court of Record in this State, shall yearly, on the first Day of the Term of July, in every Year, make and deliver into the said Court of Exchequer, a just and true Account and Estreat of all Fines, Forfeitures, Issues, and Amerciaments, set, laid, imposed, assessed, lost or adjudged, and of all Recognizances forfeited before the first Day of June, immediately preceeding the first Day of July Term, on which such Account shall be rendered, in and by the respective Courts of which they are or shall be Clerks, together with the said Recognizances; noting in every such Account and Estreat, where any such Fines, Forfeitures, Issues or Amerciaments have been paid, or Process issued, or the Person committed for the same, to whom such Payment or Commitment was made, and what Process has been issued, and to what Officer; upon Pain that every Clerk who shall neglect his Duty therein, shall not only forfeit his Office, but become and be answerable for all such Fines, Forfeitures, Issues, and Amerciaments, and the Amount of all such Recognizances, as such Clerk shall neglect to give an Account of, and estreat and deliver as aforesaid.

Duty of Clerks
of Courts of Re-
cord, as to Returns
to be made by them
of Fines, &c. into
the Court of Ex-
chequer.

Delinquent
Clerks to forfeit
their Offices, and
be answerable for
the Fines, &c.

VII. And be it further enacted by the Authority aforesaid, That all Sheriffs, Coroners, and other Officers, who have, or hereafter shall or may receive, or be accountable for any such Fines, Forfeitures, Issues, or Amerciaments, shall yearly, on the first Day of the Term of July, in every Year, render a just and true Account thereof on Oath, to the said Court of Exchequer; and the same Account being examined, audited and settled by the Judge of the same Court, shall pay the Balance appearing or found due on such Account, if any there be, in

Sheriffs, Coro-
ners, &c. to ac-
count on Oath, for
the Fines, &c. re-
ceived by them.

Penalty on Neg-
lect or Refusal to
account.

Suits in this
Court, prosecuted
only by the Clerk
of the Court, or by
the Attorney Gene-
ral, and how con-
ducted.

Clerk of this
Court to give a
Bond, with two
Sureties, in the Sum
of 2000l. previous
to his Entrance on
Office.

riff, Coroner, or other Officer, a Quietus, or Discharge for the same, under the Seal of the said Court of Exchequer. And if any such Sheriff, Coroner, or other Officer, shall not pay such Balance so found due, within twenty Days after the auditing of his Account, Execution shall be issued against him for the same; and if any such Sheriff, Coroner, or other Officer, shall refuse or neglect to make or render such Account, such Officer so Neglecting or Refusing, shall be liable to pay all such Sums of Money as shall be, or ought to have been or might have been, received by him for any such Fines, Forfeitures, Issues, or Amerciaments, as well as all such Fines, Forfeitures, Issues, and Amerciaments, as shall have been set, laid, imposed, assessed, lost or adjudged, by or against, or upon such Officer so neglecting or refusing, in any Court of Record in this State; and Execution shall thereupon be issued against such Officer for the same.

VIII. And be it further enacted by the Authority aforesaid, That all Suits in the said Court of Exchequer, shall be followed and prosecuted by the Clerk of the said Court, or the Attorney General of this State, and by no other Person. And that all Executions to be issued by the said Court, shall be against the Body, Lands, and Goods of the Debtor or Defendant, commanding the Officer to whom the said Executions shall be directed, to cause to be made of the Goods and Chattels of such Debtor or Defendant, in his Bailiwick, or County, the Debt or Sum of Money in the said Execution specified; and if sufficient Goods and Chattels of such Debtor or Defendant to satisfy such Debt shall not be found in the Bailiwick or County of the Officer, to whom such Execution shall be directed, that then he diligently enquire, by the Oath of good and lawful Men of his Bailiwick or County, what Lands and Tenements the same Debtor or Defendant hath, or was seized of in his said Bailiwick or County, on the Day such Debt accrued, or such Monies became due, which shall be particularly specified in such Writ of Execution; and that of all and singular those Lands and Tenements, in whose Hands soever they may then be, he cause to be made the said Debt specified in such Execution; and that he take the Body of the said Debtor or Defendant, and him in Prison safely keep, until he shall fully satisfy the People of this State of the said Debt. But where sufficient Goods and Chattels of such Debtor or Defendant shall be found to satisfy such Debt, his Land shall not be sold, nor his Body taken in Execution for the same Debt. And when any such Execution shall be issued against any Sheriff, Coroner, or other Officer, while in Office, or against any Heir, Executor, or Administrator, such Execution shall not be against their Bodies; but only against the Lands, Goods and Chattels of such Sheriff, Coroner, or other Officer, or the Lands, Goods and Chattels of the Ancestor, Testator, or Intestate, of such Heir, Executor, or Administrator.

IX. And be it further enacted by the Authority aforesaid, That the said Clerk of the Court of Exchequer shall, before he enter upon the Discharge of any of the Duties directed to be performed by him in and by this Act, give a Bond with two Sureties, to be approved of by one of the Judges of the Supreme Court, to the People of this State, in the Sum of Two Thousand Pounds, conditioned for the true and faithful Performance of the Duties of his said Office, and shall file such Bond in the Office of the Clerk of the Supreme Court.

C H A P. X.

AN ACT to enable the Administrator, with the Will annexed, of Anne Avory, Widow, deceased, to carry the said Will into Effect. Passed the 20th of February, 1786.

Preamble.

WHEREAS it appears to this Legislature, that Anne Avory, late of the City of New-York, Widow, deceased, by her last Will and Testament, duly executed, did appoint Francis Brashier and Bernardus Legrange, late of New-Brunswick, in the State of New-Jersey, to be Executors of her said Will, with Power to sell certain Portions of her real Estate, in Fee Simple. And whereas the said Francis Brashier, is since dead, and the said Bernardus Legrange is removed into Parts beyond Sea. And whereas, by Occasion of the Premises, Administration, with the Will annexed of the Estate of the said Anne Avory, is in due Form of Law, granted to Abraham Beach, of the City of New-York, Clerk: Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, that it shall and lawfully may, that the said

may be lawful, to and for the said Abraham Beach, and he is hereby fully authorized and enabled to sell the Land whereof the said Testatrix so died seized, in the County of Albany, and to make, seal, and execute good and sufficient Deeds and Conveyances for the same, in Fee Simple, as fully and effectually, to all Intents and Purposes, as the Executors named in the said Will might or could lawfully have done, and to distribute and apply the Monies to arise therefrom as the said Will directs. *Provided always,* That the said Abraham Beach, before he enters upon the Execution of the Trust hereby in him reposed, shall give Bond, with such Security, and in such Manner, as the Chancellor shall direct, for the faithful Performance of the said Trust.

Abraham Beach empowered to sell the Land whereof Anne Ivory died seized, in the County of Albany, and to apply the Monies arising therefrom.

C H A P. XI.

AN ACT to raise a Fund for defraying the Damages done by Dogs, in the County of Richmond. Passed the 20th of February, 1786.

WHEREAS many of the Inhabitants within the County of Richmond, in the State of New-York, have sustained great Losses, occasioned by Dogs killing their Sheep, without being able to obtain Redress:

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That it shall and may be lawful, for the Collector in each respective Precinct and Manor within the said County, once in every Year, after the first Day of May next, during the Continuance of this Act, to demand and receive of and from all Persons having the Property in, or keeping any Dog or Dogs of what Kind soever, of three Months old, and upwards, the Sum of Two Shillings, for any Dog kept by any one Person or Family, the Sum of Six Shillings, for the second Dog, and the Sum of Twelve Shillings for every Dog above the Number of two, to be kept as aforesaid.

Collector of each Precinct, to demand and receive Two Shillings per Annum, for each Dog, from Persons who keep only one, Six Shillings for the second, and Twelve Shillings for the third, &c.

II. *And be it further enacted by the Authority aforesaid,* That if any Person or Persons having Property in, or keeping any Dog or Dogs of what Kind soever as aforesaid, shall neglect or refuse to pay unto the Collector of their respective Precincts or Manor, the Sum or Sums as aforesaid, twenty Days after the same is demanded, it shall and may be lawful, and it is hereby made the Duty of the Collector of each respective Precinct or Manor, to commence and prosecute his or their Action or Actions against any Delinquent or Delinquents, for the Recovery of the same, with Costs of Suit, before any Justice of the Peace for the said County. And if any Person or Persons shall deny, that he, she, or they, have Property in, or keep any Dog or Dogs, yet if it can be proved that such Person or Persons are in Possession of, or suffer the same to remain about his or her House, twenty Days before the Demand made by the Collector, he, she, or they, shall be deemed to be Owner or Owners of such Dog or Dogs, and liable to the Payment of the aforesaid Tax, to be recovered as above. And if any Dog or Dogs shall continue or keep about any Person's House, twenty Days, and no Person appearing within that Time to claim such Dog or Dogs, it shall and may be lawful, for such Person having such Dog or Dogs about his House as aforesaid, to kill the same at any Time after the said Twenty Days.

Collector to prosecute Persons who refuse to pay the same.

Persons keeping Dogs, about their Houses for twenty Days, although not their own, to pay the Tax.

III. *And be it further enacted by the Authority aforesaid,* That when any Person or Persons within the said County, shall have sustained Damages by Dogs of any Kind as aforesaid, it shall and may be lawful for him, her, or them, to call in the Persons who are or shall be appointed Fence Viewers in each respective Precinct of the said County, for the Time being, who reside next adjacent to the Person or Persons where the Damage shall happen, who are hereby empowered to view the Sheep so killed or hurt. And if it shall appear to their Satisfaction, that they were killed by Dogs only, then the said Fence Viewers shall certify the same, with the true and real Value of the Sheep, or Damage sustained, and the Number killed or hurt, under their Hands, which Certificate shall be a sufficient Voucher to the Supervisors, for paying the Value of the Sheep or Damage therein expressed.

Persons having lost their Sheep by Dogs, to call in Fence Viewers to ascertain the Damage, and to certify the same to the Supervisors, who shall pay the same.

IV. *And be it further enacted by the Authority aforesaid,* That whenever Sheep within the said County, shall hereafter be killed or hurt by any Dog or Dogs, and it can be proved whose Dog or Dogs it was that did the Damage, if the Owner or Owners of such Dog or Dogs, shall neglect or refuse to kill the same, and make Satisfaction

Dogs killing Sheep, and their Owners on Proof thereof, refusing to pay Damages, and to kill their Dogs, said Owners to be prosecuted before a Justice of the Peace.

tisfaction to the Person or Persons injured, after Demand made, it shall and may be lawful, for the Person or Persons so injured, to get the Value of the Sheep, or the Damages certified by the aforesaid Fence Viewers, and commence his, her, or their Action or Actions, against the Owner or Owners of such Dog or Dogs, before any Justice of the Peace of the said County, and recover the same, with Costs of Suit.

Dogs found worrying Sheep may be immediately killed.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall find any Dog or Dogs worrying or killing any Sheep, it shall and may be lawful, for them immediately to kill such Dog or Dogs; and if it shall be proved that such Dog or Dogs had before killed Sheep, and the same came to the knowledge of the Owner or Possessor thereof, then and in such Case it shall and may be lawful for the Person or Persons injured, to get the Value of the Sheep or Damages certified, as above, and to commence his, her, or their Action, for the Recovery thereof as aforesaid.

Collectors to keep in a Book the Names of Persons keeping Dogs.

VI. And be it further enacted by the Authority aforesaid, That the Collector or Collectors of each respective Precinct within the said County, shall keep a Book, and therein enter the Names of every Person in his or their respective Precincts or Manors, keeping Dogs, and the Number thereof, with the Tax or Sums collected by Virtue of this Act, and shall pay the same into the Hands of the County Treasurer, to be disposed of by the Supervisor, for the Purposes above-mentioned.

Collector to retain One Shilling in the Pound for collecting Tax.

VII. And be it further enacted by the Authority aforesaid, That the Collector or Collectors of each respective Precinct or Manor within the said County, shall retain and keep in his and their Hands, One Shilling in the Pound, for all Sums by him or them collected and paid in Pursuance of this Act.

Collector neglecting his Duty to pay Five Pounds,

VIII. And be it further enacted by the Authority aforesaid, That if either of the Collectors of any of the Precincts or Manor within the said County, shall refuse or neglect to collect the Taxes aforesaid, and do what is enjoined upon them by this Act, he or they so offending, shall forfeit and pay the Sum of Five Pounds, to be recovered by Action of Debt, before any Justice of the Peace of the said County, with Costs of Suit, by any Person or Persons who will prosecute the same to Effect, the one Half to the Prosecutor, and the other Half to be applied to the Use aforesaid.

C H A P. XII.

AN ACT to abolish Entails, to confirm Conveyances by Tenants in Tail, to regulate Descents, and to direct the Mode of Conveyances to Joint Tenants. Passed the 23d of February, 1786.

Estates in Fee Tail abolished.

Persons seized in Fee Tail, deemed seized in Fee Simple.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all Estates Tail shall be, and are hereby abolished; and that in all Cases where any Person or Persons now is, or are, or, if the Act herein after mentioned and repealed, had not been passed, would now be seized in Fee Tail, of any Lands, Tenements, or Hereditaments, such Person and Persons shall be deemed to be seized of the same in Fee Simple absolute. And further, That in all Cases where any Person or Persons would, if the said Act and this present Act had not been passed, at any Time hereafter become seized in Fee Tail, of any Lands, Tenements, or Hereditaments, by Virtue of any Devise, Gift, Grant, or other Conveyance heretofore made, or hereafter to be made, or by any other Means whatsoever, such Person and Persons, instead of becoming seized thereof in Fee Tail, shall be deemed and adjudged to become seized thereof in Fee Simple absolute.

Grants, &c. of Land, &c. by Tenants in Tail, deemed lawful.

II. And be it further enacted by the Authority aforesaid, That where any Lands, Tenements, or Hereditaments heretofore have been devised, granted, or otherwise conveyed by a Tenant in Tail, and the Person or Persons to whom such Devise, Grant, or other Conveyance hath been made, his, her, or their Heirs or Assigns, have or hath, from the Time such Devise took Effect, or from the Time such Grant or other Conveyance was made, to the Day of the passing of this Act, been in the uninterrupted Possession of such Lands, Tenements, or Hereditaments, and claiming and holding the same under or by Virtue of such Devise, Grant, or other Conveyance, then such Devise, Grant, or other Conveyance shall be deemed as good, legal, and effectual, to all Intents and Purposes, as if such Tenant in Tail, had at the Time

of the making of such Devise, Grant, or other Conveyance, been seized of such Lands, Tenements, or Hereditaments in Fee Simple; any Law to the contrary hereof notwithstanding.

III. And be it further enacted by the Authority aforesaid, That where any Person shall die seized of any Lands, Tenements, or Hereditaments, without devising the same in due Form of Law, and leaving more than one Person lawful issue, or without lawful issue, the Inheritance shall hereafter, in the five several following Cases descend and go, as in each Case is particularly specified, That is to say,

How Inheritances shall descend.

FIRST, In Case the Person so seized, shall leave several Persons lawful Issue, in the direct Line of lineal Descent, and all of equal Degree of Consanguinity to the Person so seized, the Inheritance shall then descend to the said several Persons as Tenants in common, in equal Parts, however remote from the Person so seized the common Degree of Consanguinity may be, in the same Manner as if they were all Daughters of the Person so seized.

To lawful Issue of equal Degrees of Consanguinity.

SECONDLY. In Case the said Person so seized shall die, leaving lawful Issue of different Degrees of Consanguinity to him or her the said Person so seized, the Inheritance shall descend to the lawful Child or Children of the said Person so seized, if any or either of them be then living, and to the lawful Issue of such of the Children of the said Person so seized, as shall be then dead, leaving lawful Issue as Tenants in Common; such Issue always to inherit, if one Person solely, and if several Persons as Tenants in Common, in equal Parts, such Share only as would have descended to his, her, or their Parent, if such Parent had been then living; and each of the lawful Children of the said Person so seized, always to inherit such Share as would have descended to him or her, if all the Children of the said Person so seized, who shall be then dead, leaving lawful issue, had been living at the Time of the Death of the said Person so seized; and if there be no Child of the said Person so seized living, at the Time of the Death of the said Person so seized, and only a Grand Child, or Grand Children, and the lawful Issue of a Grand Child, or Grand Children, who shall be then dead, leaving lawful Issue, then the Inheritance shall descend to such Grand Child, or Grand Children, of the Person so seized, and to the lawful Issue of such of the Grand Children of the said Persons so seized, as shall be then dead, leaving lawful Issue as Tenants in Common; such Issue always to inherit, if one Person solely, and if several Persons as Tenants in Common, in equal Parts, such Share only as would have descended to his, her, or their Parent, if such Parent had been then living; and each of the Grand Children of the said Person so seized, who shall be living at the Time of the Death of the Person so seized, always to inherit such Share as would have descended to him or her, if all the Grand Children of the said Person so seized, who shall be then dead, leaving lawful Issue, had been living at the Time of the Death of the said Person so seized. And the same Law of Inheritance and Descent, shall be observed in Case of the Death of the Grand Children, and other Descendants to the remotest Degree.

To lawful issue of different Degrees of Consanguinity.

THIRDLY. In Case the said Person so seized shall die without lawful Issue, leaving a Father, then the Inheritance shall go to the Father of the said Person so seized, in Fee Simple, unless the said Inheritance came to the Person so seized, from the Part of his or her Mother, in which Case it shall descend, as if such Person so seized had survived his or her Father.

Persons dying without lawful Issue, leaving a Father.

FOURTHLY. In Case the said Person so seized, shall, after the Death of his or her Father, die without lawful Issue, leaving a Brother or Sister, or leaving a Brother or Brothers, and a Sister or Sisters, the Inheritance shall descend to such Brothers or Sisters, or to such Brother or Brothers, and Sister or Sisters, as the Case may be, as Tenants in Common in equal Parts; and in such Case every Brother and Sister of the half Blood of the said Person so seized, shall inherit equally with those of the whole Blood, unless where such Inheritance came to the said Person so seized by Descent, Devise, or Gift, of some one of his or her Ancestors, in which Case all those who are not of the Blood of such Ancestor, shall be excluded from such Inheritance. And,

Persons dying after their Fathers, without lawful Issue, leaving Brothers, &c.

FIFTHLY. In Case any such Brother or Sister who would have inherited by this Law, if living, shall die before the said Person so seized, and leave a lawful Child or Children, such Child or Children surviving the said Person so seized, shall inherit, if a Child solely, and if Children, as Tenants in Common in equal Parts, such Share as would have descended to his, her, or their Father or Mother, if such Father or Mother had survived the said Person so seized. And in all Cases of Descent, not particu-

Where Nephew's shall inherit.

Proviso.

Posthumous Children to inherit.

No Estates in Joint Tenancy shall be held by Grant, &c. other than to Executors, &c.

Act of 12th July, 1782, repealed; and all Descents and Conveyances made since, to take Effect according to said Act.

Proviso.

IV. *Provided always, and be it further enacted by the Authority aforesaid,* That nothing herein contained, shall be construed to bar or injure the Right or Estate of a Husband as Tenant by the Courtesy, or a Widow's Right of Dower.

V. *And be it further enacted by the Authority aforesaid,* That all posthumous Children shall, in all Cases whatsoever, inherit in like Manner as if they were born in the Life Time of their respective Fathers.

VI. *And be it further enacted by the Authority aforesaid,* That no Estate in Joint Tenancy in Lands, Tenements, or Hereditaments, shall be held or claimed by or under any Grant, Devise, or Conveyance whatsoever, hereafter to be made other than to Executors or Trustees, unless the Premises therein mentioned shall expressly be thereby declared to pass, not in Tenancy in Common, but in Joint Tenancy, and every such Estate, other than to Executors or Trustees, unless otherwise expressly declared as aforesaid, shall be deemed to be in Tenancy in Common; any Law, Custom or Usage to the contrary notwithstanding.

VII. *And be it further enacted by the Authority aforesaid,* That the Act, entitled, "An Act to abolish Entails, to confirm Conveyances by Tenants in Tail, to distribute Estates Real of Intestates, to remedy defective Conveyances to Joint Tenants, and directing the Mode of such Conveyances in future," passed the twelfth Day of July, in the Year of our Lord One Thousand Seven Hundred and Eighty-two, shall be and hereby is repealed; but all Descents and Conveyances which have happened or been made since the passing of the said Act, hereby repealed, shall take Effect according to the said Act. *PROVIDED ALWAYS,* That notwithstanding any Thing in the said Act contained, every Grant, Conveyance, or Devise heretofore made, or hereafter to be made to Executors or Trustees, shall be deemed to be in Joint Tenancy, and not in Tenancy in Common.

C H A P. XIII.

AN ACT for transcribing certain Records of Patents. Passed the 23d February, 1786.

Preamble.

Certain Records of Patents to be transcribed.

And Books of Patents to be re-bound.

The Secretary's Allowance.

His audited Accounts, to be paid by the Treasurer from Time to Time.

WHEREAS certain of the Records of Patents in the Office of the Secretary of the State, are by various Accidents so injured, that a frequent Recourse to them may render them illegible; to prevent which,

I. *Be it enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Secretary of the State, for the Time being, shall transcribe, or cause to be transcribed, in his Office, such of the said Records of Patents, as the said Secretary, James Duane, Isaac Roosevelt, Samuel Jones, and Richard Varick, Esquires, or a Majority of them, shall deem necessary: And that such Transcripts being compared with their Originals, shall be certified by the said Secretary to be true Copies of the Originals aforesaid.

II. *And be it further enacted by the Authority aforesaid,* That the Secretary, together with the Persons herein before named, or a Majority of them, shall cause to be re-bound, such of the Books of Records in the Office of the said Secretary, as to them shall appear to be necessary, and shall employ one or more Person or Persons for that Purpose; and that the transcribing of the said Records, as well as the Binding to be done in Pursuance of this Act, shall be performed in the Office of the Secretary of the State, and in the Presence of the said Secretary, or of his own sworn Deputy.

III. *And be it further enacted by the Authority aforesaid,* That the Secretary of the State shall be allowed for copying the said Records, at and after the Rate of One Shilling and Six-pence, for every One Hundred and Twenty-eight Words.

IV. *And be it further enacted by the Authority aforesaid,* That the Treasurer of the State shall, and he is hereby authorized and directed to pay to the said Secretary, such Sum or Sums of Money as shall, from Time to Time, appear by Accounts duly audited by the Auditor of this State, to be due to him for his Services and Expensures in Pursuance of this Act.

V. And be it further enacted by the Authority aforesaid, That the Secretary of the State shall, and he is hereby directed to report to the Legislature, his Progress in the Execution of the Duties by this Act required, in Order that further Provision may be made for perpetuating the Evidence arising from the said Records.

Secretary to report to the Legislature.

CHAP. XIV.

AN ACT to regulate the future Meetings of the Legislature. Passed the 13th March, 1786.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That in Case the Person administering the Government for the Time being, shall not, on or after the first Monday of July, and before the first Tuesday in January, in any Year, convene the Legislature by Proclamation, then the Legislature shall meet, on the said first Tuesday in January, without any Summons or Notification whatsoever, at such Place as the Senate and Assembly, at their Meeting next preceeding the said first Tuesday in January, shall have adjourned to; and in Case there shall have been no such Adjournment, or the Senate and Assembly shall not have adjourned to a Place certain, then they shall convene on the said first Tuesday in January, at the Place at which the last preceeding Meeting of the Legislature was held.

CHAP. XV.

AN ACT to divide Charlotte and Rhynebeck Precincts, into three Precincts. Passed 13th March, 1786.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all the Lands, Parcel of Charlotte and Rhynebeck Precincts, in Dutchess County, comprehended within the Limits and Bounds following, shall be a separate and distinct Precinct, and called and known by the Name of Clinton Precinct; that is to say, to begin at the East Bank of Hudson's River, at the Northwest Corner of the Tract of Land called Pawling's Patent, and to run thence along the North Line of the said Patent to Crum Elbow Kill, (alias Fish Creek) thence up along the said Creek to the Line of the Tract of Land called Little or Upper Nine Partners; thence Easterly, along the said Line to the North-East Corner of Lot No. 1, so known and distinguished in the first Division of the Tract of Land called the Great or Lower Nine Partners; thence Southerly in the Line of that Tier of Lots to the most Southerly Line of the aforesaid Great or Lower Nine Partners; thence Westerly, along the Line last mentioned, to Hudson's River, and from thence up along the said River to the Place of Beginning.

Clinton Precinct constituted; and its Limits described.

II. And be it further enacted by the Authority aforesaid, That the Freeholders and Inhabitants of Clinton Precinct aforesaid, shall have full Power and Authority to assemble and hold annual Town Meetings within the said Precinct; and by a Plurality of Voices of the Inhabitants so assembled, to elect and choose a Supervisor, Town Clerk, Assessors, and as many Constables and Collectors as the Inhabitants so assembled shall judge necessary for the said Precinct, and all other Town Officers incident to other Precincts in Dutchess County; which Officers, when chosen, shall respectively do, perform, and execute the like Duties and Services, and be liable to the same Penalties as other Persons in like Offices in the other Precincts in the said County, by Law, are intended, ought to do, or are liable to.

Its Privileges, &c. the same as belong to other Precincts in Dutchess County.

III. And be it further enacted by the Authority aforesaid, That the Collectors of the Arrears of any Taxes heretofore assessed in Charlotte and Rhynebeck Precincts, respectively, in whose Hands such Tax Lists now are, shall collect such Arrears of Taxes, as if Clinton Precinct had not been erected.

Arrears of Taxes in Clinton Precinct how collected.

IV. And be it further enacted by the Authority aforesaid, That the Inhabitants of Clinton Precinct shall hold their annual Town Meetings on the usual Day by Law prescribed for holding the Town Meetings in the other Precincts in the said County; that the first annual Town Meeting shall be held at the Dwelling-House of David

Annual Town Meetings when, where, and how to be held.

Knapp in the said Precinct, and the annual Town Meetings thereafter, at such Place in the said Precinct, as the Inhabitants shall, by Plurality of Voices, at their Town Meetings, from Time to Time direct.

Washington Pre-
sident constituted.

V. And be it further enacted by the Authority aforesaid, That such Part of the Precinct of Charlotte aforesaid, as is not comprehended within the Limits of the Precinct by this Act designated by the Name of Clinton, shall hereafter be called and known by the Name of Washington Precinct, and that the Inhabitants of Washington Precinct, shall hold their first annual Town Meeting at the Dwelling-House of Samuel Herrick, and their annual Town Meetings thereafter, at such Place in the said Precinct, as the Inhabitants shall, from Time to Time, by Plurality of Voices, at their Town Meetings in the said Precinct direct.

Limits of Rhynebeck Precinct.

VI. And be it further enacted by the Authority aforesaid, That Rhynebeck Precinct shall contain all the Lands formerly comprehended within the Limits and Bounds of the said Precinct, except the Lands by this Act comprehended in Clinton Precinct, and shall retain all its former Precinct Privileges.

C H A P. XVI.

AN ACT to appoint the Place of holding the Supreme Court of Judicature of this State, in April Term, 1786. Passed the 21st. of March, 1786.

Supreme Court
to be held on the
third Tuesday in
April, 1786, at the
City-Hall, in New-
York.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Supreme Court of Judicature of this State, to be held on the third Tuesday of April, one Thousand seven Hundred and Eighty-six, shall be held at the City-Hall of the City of New-York, any Thing in the Act, entitled, " An Act to appoint the " Place of holding the Supreme Court of Judicature of this State in future, and to " prolong the Terms thereof, and for other Purposes therein mentioned," to the Contrary thereof notwithstanding.

Process returnable at New-York.

II. And be it further enacted by the Authority aforesaid, That all Process issued out of the said Supreme Court since January Term last, shall be deemed to be returnable at the City of New-York, notwithstanding the same may have been made returnable at the City of Albany.

Officers may account to the Exchequer for Fines, &c. on the 1st Day of the Terms of April or July, at their Option.

III. And be it further enacted by the Authority aforesaid, That every Sheriff, Coroner and other Officer, who by the Act, entitled, " An Act for the better levying and accounting for Fines, Forfeitures, Issues, Amerciaments and Debts due to the People of this State," was to account for Fines, Issues or Amerciaments by him received or to be received yearly on the first Day of the Term of July in every Year to the Court of Exchequer, may account to the said Court of Exchequer on the first Day of the Term of April yearly in every Year, or on the said first Day of the Term of July, at his Option ; any Thing in the aforesaid Act to the Contrary notwithstanding.

C H A P. XVII.

AN ACT enabling James Barclay to become an Auctioneer or Vendue-Master.
Passed the 21st. of March, 1786.

James Barclay to be an Auctioneer in New-York, on taking the Oath of Abjuration and Allegiance.

I. **B**E it enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful to and for the Mayor of the City and County of New-York, or in Case of Vacancy in the said Office, the Recorder of the said City for the Time being, by Licence under his Hand, to authorise and empower James Barclay of the City of New-York, to act as a Vendue-Master or Auctioneer, in the City and County of New-York, conformable to the Act, entitled, "An Act for the Regulation of Sales by public Auction," passed the 20th of February, 1784. PROVIDED ALWAYS, That it shall not be requisite for the said James Barclay, to produce the Certificate mentioned in the third enacting Clause of the said Act, but instead thereof shall take and subscribe an Oath of Abjuration and Allegiance to the People of this State, to be administered by the said Mayor or Recorder, and the Clerk of the Court of Sessions.

C H A P. XVIII.

AN ACT for dividing the County of Washington into Townships. Passed the 23d of March, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all the Lands comprehended within the following Bounds, *that is to say*, BEGINNING at the North-East Corner of the County of Albany, thence running along the North Line of the County of Albany to the South-East Corner of the Township of Argyle, thence North along the East Line thereof to the North-West Corner of Turner's Patent, thence along the North Line thereof to the North-East Corner thereof, and thence East to the County Line, and thence Southerly along the County Line to the Place of Beginning shall be, and hereby are erected into a Town by the Name of SALEM.—And all the Lands comprehended within the following Bounds, *that is to say*, Beginning at the North-East Corner of the said Town of Salem, and running thence Northerly along the East Line of the County until it meets with an East Line from the South-East Corner of a Tract of Land formerly granted to Lieutenant Byrn, thence West to the East Line of a Tract of Land called the Provincial Patent, thence Southerly along the East Line thereof and the East Line of the Township of Argyle to the North Bounds of the said Town of Salem, and thence Easterly along the same to the Place of Beginning shall be, and hereby are erected into a Town by the Name of HEBRON.—And that all the Lands comprehended within the following Bounds, *that is to say*, Beginning at the North-East Corner of the said Town of Hebron, and running thence Northerly along the East Line of the County until it meets an East Line from the South-East Corner of a Tract of Land heretofore called Skeensborough, thence West to the said Tract heretofore called Skeensborough, thence Southerly along the East Line thereof and the Tracts called the Artillery and Provincial Patents to the North-West Corner of the said Town of Hebron, and thence Easterly along the same to the Place of Beginning shall be, and hereby are erected into a Town by the Name of GRANVILLE.—And all the Lands in the said County of Washington, lying Northward of the said Town of Granville and Eastward of the said Tract of Land heretofore called Skeensborough, and the North Line of Skeensborough continued to Pultney River shall be, and hereby are erected into a Town by the Name of HAMPTON.—And all that Tract of Land heretofore called Skeensborough, and all the Lands between the said last mentioned Tract of Land and the Waters of East Bay, and all the Lands between the said Tract of Land heretofore called Greenfield and the said Tract heretofore called Skeensborough shall be, and hereby are erected into a Town by the Name of WHITE-HALL.—And all the Lands comprehended within the following Bounds, *that is to say*, Beginning at the North-West Corner of the said Town of Salem, and running thence North to the South-East Corner of the said Tract called the Provincial Patent, thence West along the South Line thereof and the South Line of a Tract of Land called Kingsbury to Hudson's River, thence down along the East Bank thereof to the North Line of the County of Albany, and thence East along the same to the said Town of Salem, and thence North along the same to the Place of Beginning shall be, and hereby are erected into a Town by the Name of ARGYLE.—And all that Tract of Land called Kingsbury shall be, and hereby is erected into a Town by the Name of KINGSBURY.—And all that Tract of Land called Queensbury, and all the Lands on the West Side thereof and the East Side of Hudson's River to a Line to begin at the East Branch of Hudson's River, and to run East so as to run one Mile North of Sabbath-Day Point on Lake George, and thence continuing East across Lake George to the East Bank thereof, thence up along the Side of Lake George to the Mouth of the Creek running into the said Lake on the East Side of where Fort George stood, and thence to the North-East Corner of the said Tract called Queensbury shall be, and hereby are erected into a Town by the Name of QUEENSBURY.—And all those Tracts of Land called the Artillery and Provincial Patents, and all the Lands to the North thereof not included in either of the Towns above named, as far North as the North Line of the said Town of Queensbury and continued East to South Bay, thence along the Waters thereof to the West Line of the said Tract heretofore called Skeensborough, and thence along the West Line thereof to the North Line of the said Tract called the Artillery

Washington County divided into ten Towns.

Bounds of Salem

Hebron

Granville

Hampton

White-Hall

Argyle

Kingsbury

Queensbury

Westfield

Crown-Point.

—And all the several Tracts of patented Lands lying on the West Side of Lake Champlain, South of the Township of Plattsburgh, North of the said Towns of Queensbury and Westfield, and East of unpatented Lands shall be, and hereby are erected into a Town by the Name of CROWN-POINT.

Privileges as to
the Election of
Town-Officers.

II. And be it further enacted by the Authority aforesaid, That the Freeholders and Inhabitants of each and every of the said Towns, for the Time being respectively, shall forever hereafter have full Power and Authority to assemble together and hold Town-Meetings in their said respective Towns on the First Tuesday of May in every Year, and then and there to elect and chuse one Supervisor, one Town-Clerk, three Assessors, one Collector, one Constable, two Overseers of the Poor, three Commissioners of Highways, and so many Overseers of the Highways, Fence-Viewers and Pound-Masters for each Town respectively, as to the Freeholders and Inhabitants of the same Town so met, or the major Part of them, shall seem necessary and convenient: And in Case any of the Officers so chosen shall die, remove out of Town, refuse or become incapable to serve before the next annual Town-Meeting, then and in every such Case from Time to Time when it shall be necessary to elect and chuse others in the Room of such of them so refusing, or becoming incapable to serve, or dying, or removing out of such Town, and to assemble together and hold Town-Meetings for that Purpose, which several Officers when chosen, shall be respectively vested with and have the same Powers and Authorities, and be subject to the like Rules, Regulations and Penalties, as are by Law allowed to and prescribed for the like Officers respectively by Law.

And the making
of Bye-Laws, &c.

III. And be it further enacted by the Authority aforesaid, That the Freeholders and Inhabitants of each of the said Towns respectively for the Time being, shall have the same Power and Authority to make Bye-Laws and Regulations, and shall have and enjoy the like Privileges, as the Freeholders and Inhabitants of any Town or District in this State may do or are entitled to by Law.

Notice of a Town
Meeting, between
the annual Town-
Meetings, how to
be given.

IV. And be it further enacted by the Authority aforesaid, That whenever it may be necessary to hold a Town-Meeting in either of the said Towns for any of the Purposes aforesaid, at any Time between any of the said annual Town-Meetings, due Notice thereof shall be given by any one Justice of the Peace residing in the said County, in Writing under his Hand, specifying the Time, Place and Purpose of such Town-Meeting, and fixed up at four or more of the most public Places in the same Town, at least eight Days before the Time therein appointed for holding such Town-Meeting; and one of the Justices of the Peace for the Time being, residing in or near each of the said Towns respectively within the County, is hereby directed and required to give such Notice as aforesaid, whenever it shall appear to him to be necessary to hold such Town-Meeting, or he shall be requested so to do by twelve or more Freeholders of the said Town.

First Town-
Meetings, where to
be held.

V. And be it further enacted by the Authority aforesaid, That the first Town-Meeting in the said Town of Westfield shall be held at the Dwelling-House of Isaiah Bennet, near Fort Anne; and in the said Town of Crown-Point at the Dwelling-House of Robert Cochran, at Crown-Point; and in each of the other Towns, at such Places as such Meetings have heretofore usually been held; and that such Town-Meetings shall thereafter be held in each respective Town at such Place in each Town respectively, as the Majority of the Freeholders and Inhabitants of the same Town shall, from Time to Time, at their Town-Meetings direct and appoint.

Certain Inhabit-
ants privileged to
vote in Plattsburgh,
until further provi-
sion.

VI. And be it further enacted by the Authority aforesaid, That all the Inhabitants within this State to the North of the North Bounds of Plattsburgh aforesaid, continued to the West Bounds of the County of Washington, to the Eastward of the said West Bounds, to the Southward of the North Bounds of this State, and to the Westward of Lake Champlain, together with the Inhabitants of the Islands called Isle-La-Motte, Long-Island and Grand-Isle or Island, may meet and vote in every Town-Meeting to be held in and for the Township of Plattsburgh, in common with the Inhabitants residing in the said Township, until further legislative Provision shall be made.

County Treasur-
er to recover Ar-
rears of Taxes from
Collectors.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer for the Time being of the said County of Washington, to prosecute and recover from all and every Collector in the said County, all Arrears of Taxes, by Action of Debt in his own Name. And further, That it shall be lawful for all and every of the said Collectors to collect and recover the said Arrears, in the same Manner as if this Act had never been made.

Collector's Duty.

CHAP. XIX.

AN ACT for making public Securities payable to the Bearer. Passed the 28th of March, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all Notes, Certificates, or Securities given or issued in Pursuance of any Law of this State, and which are not negotiable, shall be, and hereby are declared to be negotiable after the passing of this Act; and that the Monies due, or to become due, on any such Notes, Certificates, or Securities, and on any Notes, Certificates, or Securities originally issued and made assignable in Pursuance of any Law of this State, shall hereafter be payable to the Bearer thereof; any Thing contained in such Notes, Certificates, or Securities, or any Law to the contrary in any wise notwithstanding.

CHAP. XX.

AN ACT further to continue and amend an Act, entitled, *An Act for the Appointment of an Auditor, and the Settlement of the public Accounts of this State.* Passed the 28th March, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Act, entitled, "An Act for the Appointment of an Auditor, and the Settlement of the public Accounts of this State," shall be, and hereby is continued in full Force and Virtue, to all Intents and Purposes, until the 23d Day of March, which will be in the Year of our Lord One Thousand Seven Hundred and Eighty-eight.

II. And be it further enacted by the Authority aforesaid, That the said Auditor shall be allowed for his Services in that Station, from the Twenty-third Day of March, in this present Year, One Thousand Seven Hundred and Eighty-six, at and after the Rate of Three Hundred and Fifty Pounds per Annum, during the Continuance of this Act, to be paid in four equal quarterly Payments.

CHAP. XXI.

AN ACT for the more effectual Collection of the Arrears of Taxes. Passed 31st March, 1786.

WHEREAS a considerable Part of the Arrears of Taxes, directed to be collected by the Act, entitled, "An Act to compel the Payment of the Arrears of Taxes, for enforcing the Payment of Fines and Amerciaments, obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purposes," passed the Twenty-sixth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-four, is yet unpaid. AND WHEREAS a great Proportion of the Inhabitants of this State did, during Part of the late War, receive Certificates only in Compensation for their personal Services, and for the Property taken from or delivered by them for the Use of this State, and of the United States, by Means whereof many of the said Inhabitants are rendered incapable to discharge such of the Taxes imposed on them as were made payable in Specie. AND WHEREAS the Time prescribed by the said Act for collecting the said Arrears is expired. Therefore,

I. **B**E it enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful, to and for all and every Person and Persons chargeable with the Payment of any such Arrears to pay the same at any Time on or before the first Day of October next, in any Certificates or other Securities specified in the fifth Section of the Act, entitled, *An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein-mentioned, or in Certificates issued, or to be issued by the Treasurer of this State, but no Computation or Allowance shall be made for Interest, on any such Certificates in the said Payments, and it is hereby*

Preamble,

Arrears of Taxes
in certain Places
payable in Certifi-
cates, &c.

Arrears on the
100,000l. Tax,
payable in Specie.

Proviso.

Arrears not paid
before the 1st of
November, to be
paid in Specie be-
fore the 1st of Ja-
nuary next.

Penalties.

County Treasu-
rers dying, &c. &c.
Supervisors to ap-
point others.

Delinquent Su-
pervisors forfeit
500l.

Delinquent
County Treasurers
forfeit 200l. a
Month.

Specie paid to
Collectors, to be
paid by them to
County Treasurers,
and by them to the
Treasurer of the
State.

Suits for certain
Penalties incurred
discharged.

II. And be it further enacted by the Authority aforesaid, That all Arrears of Tax due on the Tax imposed by the Act for raising 100,000l. within the several Counties therein mentioned, passed May 6th, 1784, shall be collected, in Gold and Silver Money only, and the Monies so collected, shall be paid into the Hands of the Treasurers of the Counties respectively, wherein the same shall be collected and shall be appropriated to the Use of the said Counties respectively, as the Supervisors thereof shall direct. PROVIDED NEVERTHELESS, That it shall and may be lawful for the said Treasurers respectively, and they are hereby required to apply so much of the said Arrears so to be collected to the Purchase of any of the public Securities designated in the first Clause of this Act, as shall amount in nominal Specie Value, exclusive of Interest, to the Amount of the Arrears due from the County whereof he is Treasurer, and to pay the Securities so purchased into the Treasury of this State, on or before the first Day of October next, in Discharge of such Arrears; any Thing in this or any other Act to the Contrary hereof notwithstanding.

III. And be it further enacted by the Authority aforesaid, That all such Part of the said Arrears as shall not be paid to the Treasurer of this State, on or before the first Day of November next, shall be collected and paid in Gold or Silver Coin, and shall be collected and recovered in the Manner directed in and by the said Act, entitled, An Act to compel the Payment of the Arrears of Taxes, for enforcing the Payment of Fines and Amerciaments, obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purposes, and shall be paid to the Treasurer of this State, on or before the first Day of January next; and all and every the Assessors, Collectors, Supervisors, Treasurers, and Justices in the same Act mentioned, shall be, and hereby are respectively vested with all the Powers and Authorities, and made subject to all the Penalties and Forfeitures in the same last mentioned Act prescribed.

IV. And be it further enacted by the Authority aforesaid, That in Case any County Treasurer shall die, remove from the County, or become incapable, or refuse to execute his Office, it shall and may be lawful to and for the Supervisors of the County, and they are hereby required to appoint another Treasurer in the Place of him so dying, removing, or becoming incapable, or refusing to execute the said Office; and if any Supervisor or Supervisors of any County, shall neglect or refuse to perform any of the Duties required of them by the said Act, or by this Act, he and they so neglecting or refusing, shall forfeit and pay to the People of this State, the Sum of Five Hundred Pounds, to be recovered by the Treasurer, for the Use of the People of this State, by Action of Debt, in any Court of Record.

V. And be it further enacted by the Authority aforesaid, That if any Treasurer of any County, shall neglect or refuse to perform any of the Duties required of him by the said Act, or by this Act, such County Treasurer shall, for every Month he shall so neglect or refuse, forfeit and pay to the People of this State, the Sum of Two Hundred Pounds, to be recovered by the Treasurer of this State, for the Use of the People of this State, by Action of Debt, in any Court of Record.

VI. And be it further enacted by the Authority aforesaid, That all Monies which have been paid, or shall be paid in Gold or Silver, to the Collector of any Town, Manor, District, or Precinct, shall be paid to the Treasurer of the County, in Gold or Silver only; and that all Monies which now are, or hereafter shall be received by any County Treasurer, in Gold or Silver, shall be paid to the Treasurer of this State in Gold or Silver only, and the County Treasurers shall examine the respective Collectors, their Executors or Administrators, under Oath, as to the Sum by such Collector received of the said Taxes in Gold and Silver, and any of the Judges of the Inferior Courts of Common Pleas shall examine the Treasurers of the respective Counties in which they are Judges, their Executors or Administrators, as to the Sum by such Treasurer received in Gold or Silver, and give a Certificate of such Examination to such County Treasurer, his Executors or Administrators, specifying the Amount of the Sum so received by him in Gold or Silver, which Certificate shall be filed with the Treasurer of this State.

VII. And be it further enacted by the Authority aforesaid, That all Suits already commenced, or which may hereafter be commenced for any Penalties already incurred by Virtue of the Act herein before recited, passed on the 26th Day of November, 1784, against any County Treasurer, Supervisor, Assessor, or Collector, shall be, and hereby are discharged; any Thing in the said Act to the contrary hereof notwithstanding. PROVIDED ALWAYS, That the Defendant in every such Suit, shall be

VIII. And be it further enacted by the Authority aforesaid, That the Taxes heretofore assessed on the Districts of Skeenesborough, Kingsbury, Queensbury, Fort Edward, Fort Miller, and Granville, in the County of Washington, (other than District or County Taxes) shall be and hereby are remitted; any Thing in this or any other Law to the Contrary hereof notwithstanding.

Taxes of certain Districts remitted.

C H A P. XXII.

AN ACT for the Relief of insolvent Debtors, with Respect to the Imprisonment of their Persons. Passed 31st March, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all and every Person and Persons now confined in any Gaol within this State, upon Execution, or upon any other Writ or Process, or by Virtue of any Judgment or Order of any Court of Record, or Warrant from any Justice of the Peace for any Debt or Debts, or Sum or Sums of Money, or Fine or Fines, or Forfeiture or Forfeitures, not exceeding in the whole the Sum of Fifteen Pounds, exclusive of Costs, shall be discharged from such Imprisonment; and the Sheriff, Gaoler, or Keeper of the Gaol, in which any such Person is confined as aforesaid, shall, upon Notice of this Act, discharge such Person out of Custody, if detained for such Debt, Sum of Money, Fine or Forfeiture, and for no other Cause; and no such Sheriff or Gaoler, shall be liable to any Action of Escape or other Suit or Information upon Account thereof; and if any Action, Suit, or Information shall be brought or exhibited against any such Sheriff or Gaoler, for or on Account of such Discharge, such Sheriff or Gaoler may plead the general Issue, and give this Act in Evidence; and if the Plaintiff be non-suited, or discontinue his or her Action, or a Judgment be given against him or her, upon a Verdict or Demurrer, the Defendant shall have treble Costs.

Persons imprisoned for Debt not exceeding 15l. discharged.

Sheriffs, &c. to discharge such Debtors.

And indemnified therefor.

II. And be it further enacted by the Authority aforesaid, That no Person discharged from Imprisonment by Virtue of this Act, shall at any Time thereafter be imprisoned for the same Cause; and if any such Person so discharged shall be arrested for the same Cause, it shall be lawful for any Judge of the Court out of which the Process issues, to discharge such Person out of Custody, so as such Person do give a Warrant to some Attorney of the same Court, to appear and plead to such Action.

Persons discharged by this Act, not liable to Imprisonment again for the same Cause.

III. **P**rovided always, And be it further enacted by the Authority aforesaid, That notwithstanding such Discharge, all and every Debt and Demand against such Person so discharged, and all and every Judgment and Decree, had or obtained against him or her, shall stand and be good and effectual in Law, to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of such Person so discharged, which he or she, or any Person or Persons for him or her, hath at the Time of such Discharge, or at any Time thereafter, may have or be in any wise seized or possessed of or entitled to, either in Law or Equity, except the necessary wearing Apparel and Bedding of such Person, and of his Wife and Children. And it shall and may be lawful for any Creditor of such Person so discharged, and at whose Suit such Person is now confined, and for the Executors or Administrators of such Creditor, to take out a new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Person so discharged, except as before excepted, for the Satisfaction of his or her Debt, in such Sort, Manner and Form, as he or she might have done, if such Person had never been taken in Execution. And in Case no Judgment is obtained against such Person so discharged by such Creditor, then it shall be lawful for such Creditor to continue or prosecute his or her Action to Judgment, and to take out Execution as aforesaid, against the Lands, Tenements, Hereditaments, Goods and Chattels of such Person so discharged, except as before excepted, for the Satisfaction of his or her Debt, or Damages, and Costs of Suit; but the Person of such Debtor so discharged, shall not be imprisoned for the same Debt or Debts, Sum or Sums of Money, Fine or Fines, Forfeiture or Forfeitures, for which he or she is now confined, or any or either of them.

But their real and personal Estates subjected to the Payment of the Debts.

Wearing Apparel and Bedding, &c. excepted.

Creditors, &c. may take out new Executions against the Lands, &c. of their Debtors discharged.

IV. And be it further enacted by the Authority aforesaid, That this Act shall extend to all Debts, Sums of Money, Fines and Forfeitures due to the People of this State,

This Act to extend to Debts due to the State.

C H A P. XXIII.

AN ACT for the Collection and Commutation of Quit Rents. Passed the 1st of April, 1786.

All Arrears of Quit-Rent may be paid in certain public Securities to the State Treasurer, provided they are paid before a given Day.

Abatement for certain Years.

Citizens of this, or any of the United States, may commute for the Quit-Rent at the Rate of 14s. for 1s.

And the Treasurer on such Commutation, to give a Certificate.

Joint Proprietors in a Tract of Land may pay or commute.

Proviso.

Citizens of this or any other of the United States, may commute for Quit-Rents in Gold or Silver, at any Time before the 1st Jan. 1788.

Value of Quit-Rent reserved in Kind, how to be ascertained.

Quit-Rents due, &c. to be paid in Gold or Silver.

I. **BE** it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That in all Cases where any Person or Persons being Citizens of this State, or of any of the United States, is or are or shall be seized of any Lands or Tenements in this State, charged with the Payment of Quit Rent, it shall and may be lawful, to and for such Person and Persons, at any Time on or before the first Day of January next, to pay to the Treasurer of this State for the Time being, for the Use of the People of the State, all the Arrears of such Quit Rent then due, in any public Securities receiveable in Payment on Sales of confiscated Estates, or in any other Securities or Certificates issued or to be issued by the Treasurer of this State, and at the same Rate such Securities and Certificates are receiveable in Payment for confiscated Estates; but no Quit-Rent which accrued between the Twenty-ninth Day of September, One Thousand Seven Hundred and Seventy-five, and the Twenty-ninth Day of September, One Seven Hundred and Eighty-three, shall be demanded or exacted from any such Person or Persons.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all and every Person and Persons being Citizens of this State, or of any of the United States, who is, are, or shall be seized of any Lands or Tenements in this State, charged with an annual Quit-Rent, to commute for the same, by paying Fourteen Shillings, for every Shilling of such annual Quit-Rent, at any Time on or before the first Day of May, One Thousand Seven Hundred and Eighty-seven, in such public Securities or Certificates as aforesaid, to the Treasurer of this State for the Time being, for the Use of the People of this State; and the said Treasurer shall, upon such Payment, give the Person making such Payment, a Receipt or Certificate expressing the Sum paid, the annual Quit-Rent in Lieu or Discharge of which the same is paid, and the Land on which the same annual Quit-Rent was charged or reserved, and shall enter the same Receipt or Certificate, in a Book by him to be kept for that Purpose, which Receipt or Certificate, or the Entry thereof, shall be a good Discharge of such Quit-Rent for ever.

III. And be it further enacted by the Authority aforesaid, That where there are or shall be several Owners or Proprietors of any Tract of Land, chargeable with Quit-Rent, and which shall have been divided into as many Shares as there were original Proprietors in the Grant, it shall and may be lawful to and for any original Proprietor, or his or their legal Representative, to pay the Proportion of such Share, in Manner directed in the first Clause of this Act, and to commute for the future Quit-Rents of such Share in Manner directed by the second Clause of this Act. PROVIDED, That such Payment and commuting, shall be on or before the first Day of January next.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all and every Person or Persons, not being Citizens of this State, or of any of the United States, who is or are seized of any Lands or Tenements in this State, charged with an annual Quit-Rent, to commute for the same, by paying Fourteen Shillings in Gold or Silver, for every Shilling of such annual Quit-Rent, at any Time on or before the first Day of January, 1788, to the said Treasurer, for the Use of the People of this State, and the said Treasurer shall give a like Certificate, and enter the same as directed in the next preceeding Clause.

V. And be it further enacted by the Authority aforesaid, That where in the Grant or Patent of any Lands or Tenements in this State, the Reversion is in Kind, and not in Money, the Value thereof shall be estimated according to the Accounts of the Receiver General of the late Colony, now State of New-York; and in Cases where no such Estimation has been had by the Receiver General, or that his Books and Accounts shall not be found, it shall and may be lawful for the Treasurer of the State, for the Time being, to settle the Accounts of such Quit-Rents, expressed in Kind as aforesaid, according to Equity and good Conscience.

VI. And be it further enacted by the Authority aforesaid, That all Quit-Rents now due, and to become due, from any Person or Persons not Citizens of this State, or of any of the United States, shall be paid in Gold or Silver Coin; and all Quit-

Rents now due, and to become due from any Person or Persons being Citizens of this State, or of any of the United States, and which shall not be paid on or before the said first Day of January next, shall also be paid in Gold or Silver Coin only.

VII. And be it further enacted by the Authority aforesaid, That whenever there shall be three Years Quit-Rent due and in Arrear upon any Grant or Patent for Lands in this State, or upon any Lands contained in such Grant or Patent, it shall and may be lawful for the Treasurer of this State, for the Time being, and he is hereby required to give Notice in two or more of the public News-Papers printed in this State (which public Notice shall be so continued for three Months at the least) that if the Owners or Proprietors of such Lands do not, within Twelve Months after the Date of such public Notice, pay the Arrears of Quit-Rent due for such Lands, with the Charge of such Notices, to the Treasurer of this State, for the Time being, then so much of the said Lands will be sold at public Vendue, as will pay the same, with the Charges of such Notices and Sale. And such Notice so to be given as aforesaid, shall express to whom the Grant or Patent was originally made; the Date thereof, and the Sum due thereby to the last Day of Payment preceding such Notice, as far as the same does appear from the Accounts of Quit-Rents, in the Books of the said late Receiver General, or the Accounts of the said Treasurer; and upon the Failure of Payment of the said Quit-Rent and Charges of such Notices as aforesaid, it shall and may be lawful for the Treasurer of this State, for the Time being, and he is hereby required by himself, his Attorney, or the Attorney General of this State, to apply to the Junior Justice of the Supreme Court of Judicature of this State, for the Time being, who is hereby authorized and required, as Justice of the Court of Exchequer for this State, to cause an Advertisement to be published in one of the public News-Papers printed in the City of New-York, notifying all Persons interested in such Lands, to appear before him, on such Day and at such Place as he shall therein appoint, not less than thirty, nor more than forty Days thereafter, to shew Cause, if any he, she, or they hath or have, why so much of the said Lands shall not be sold, as will satisfy and pay the said Quit-Rent, with the Charge of such Notices: And in Case no Person shall appear at the Time and Place so appointed, either in Person or by Attorney; or if any Person or Persons shall appear at such Time and Place, the said Justice shall hear the Party or Parties so appearing, in a summary Way, and shall thereupon certify under his Hand the Sum due for Quit-Rent on the said Lands, together with the Charges of the said Notices, and the Process to issue thereon; and shall then issue Process under his Seal, directed to the Sheriff of the County where the said Lands lie, commanding such Sheriff within Sixty Days after the Teste of such Process (which shall be in the Name of the People of this State, and tested in the Name of the said Justice on the Day of the Date of such Certificate) to sell at public Vendue, to the best Bidder, so much of the said Lands, as will pay the Sum so certified to be due for Quit-Rent, and Charges as aforesaid, and the further incidental Charges thereon, and to pay the same Monies so certified to be due for Quit-Rent and Charges, to the Treasurer of this State, within sixty Days after such Sale. And every such Sheriff to whom any such Process shall be directed, is hereby empowered and required, within six Days after the Receipt of such Process, to cause Advertisements to be affixed on the Court-House, and three or more of the most public Places in the County where the Lands lie, that on such Day (which shall not exceed fifty, nor be less than thirty Days after the Date of such Advertisement) so much of the said Lands will be sold at public Vendue, at the said Court-House, to the best Bidder, as will pay the Sum mentioned in the said Process, and the Charges of Advertisement, Sale, Survey, and Conveyance thereof. And upon the Day appointed for such Sale as is before directed, the same Sale shall be made at the Court-House of the County in which the Lands lie, between the Hours of Nine of the Clock in the Forenoon, and Two of the Clock in the Afternoon; and at the Time of such Sale, such Person or Persons as will accept of the least Quantity of Land to pay the Sum mentioned in the said Process, and all Charges which such Sheriff shall then make a true Account of, as far as can be then ascertained, shall be deemed the best Bidder. And upon such Sale, such Sheriff shall cause such Land so sold, to be surveyed, and shall then, upon the Receipt of the Purchase Money, make, sign, seal, and deliver Deeds and Conveyances thereof to the Purchaser or Purchasers thereof; which Deeds and Conveyances so made and executed, shall be, and are by Virtue of this Act, declared to be a good, valid, and sufficient Title, both in Law and Equity, to all Intents and Purposes, and the Purchaser and Purchasers of Lands by Virtue of this Act,

When three Years Quit-Rents are due, Treasurer to give public Notice, if they are not paid in Twelve Months the Lands will be sold.

Which Notice shall contain a Description of the Land to be sold, &c.

And on Failure of such Payment, Treasurer how to proceed.

Duty of the Junior Justice of the Supreme Court.

Duty of the Sheriff.

Deeds executed by the Sheriff for Lands sold for Payment of Quit-Rent declared valid.

Provifo.

Further Provifo.

No Sale to be made before the 1st January, 1787.

Sheriff before he proceeds to execute any Process to take an Oath.

Sheriff after Execution of Deeds to pay the Sum due for Quit-Rents to the Treasurer.

Retaining for his Trouble, &c. what shall be allowed by the Justices in their General Sessions.

Where there are several Owners of a Tract of Land, any one may pay his Proportion of the Quit for his own Right, but if the Lands are undivided, then the undivided Rights of such as do not pay, shall be sold.

Where there are several Persons joint Owners of a Tract, the one whose Land is sold for Quit-Rent, may recover from the others.

Quit Rent on forfeited Estates, forever remitted.

Quit-Rents reserved in Sterling and Proclamation at 175 per Cent.

and their respective Heirs and Assigns, shall be hereby severally vested in and intitled to an Estate in Fee Simple, of and in all and every Part of the said Lands, Tenements, and Hereditaments so by him, her, or them purchased by Virtue of this Act. **PROVIDED ALWAYS**, That the Lands so to be sold by Virtue of and in Pursuance of this Act, shall be surveyed and laid out in one entire Piece, and at one Side or End of the Tract out of which the same shall be sold; and shall always be of the unimproved Land, if there shall be so much thereof unimproved in one Piece. **PROVIDED ALSO**, That in any County in which there shall not be a Court-House at the Time of such Advertisement and Sale, the Advertisement shall be affixed, and the Sale shall be at the Place where the then last Inferior Court of Common Pleas was held. **AND PROVIDED FURTHER**, That no such Sale shall be made, until after the first Day of January next.

VIII. And be it further enacted by the Authority aforesaid, That every Sheriff to whom any such Process shall be directed and delivered, shall, before he proceeds to execute the same, take an Oath, to be administered to him in the Words following, *to wit*: You ——— shall well, truly, faithfully, and honestly, discharge the Trust reposed in you by Virtue of an Act, entitled, “An Act for the Collection and Commutation of Quit-Rents,” according to the best of your Skill and Understanding. Which Oath any Justice of the Peace is hereby authorized and required to administer, and to give a Certificate thereof to the said Sheriff, who shall file the same with the Clerk of the County in which the Lands lie.

IX. And be it further enacted by the Authority aforesaid, That the respective Sheriffs to whom any such Process shall be directed and delivered, shall, after the Delivery of such Deeds and Conveyances as aforesaid, and within sixty Days after such Sale, pay to the Treasurer of this State, for the Time being, the Sum so certified by such Justice of the Supreme Court, and mentioned in such Process to be due for Quit-Rent on the said Lands, and for Charges as aforesaid. And it shall and may be lawful for such Sheriff, to retain for his own Trouble, and the other Charges attending such Sale, so much as the Justices of the Peace of the same County where the Lands lie, in their General Sessions shall allow, and certify to be due for the same, and shall return the Surplus of the Monies, if any there be, to the Person or Persons to whom the Lands so sold did belong, immediately before such Sale, or if he, she, or they cannot be found, then such Sheriff shall deliver such overplus Monies to the said Treasurer, who is hereby required to receive and apply the same, from Time to Time, to the Payment of the Quit-Rent that shall become due thereafter from such Person or Persons; and the said Sheriff shall, at the same Time, deliver to the Treasurer, a full and just Account of the Monies arising from such Sale, and of the Application of the same.

X. And be it further enacted by the Authority aforesaid, That where there are or shall be several Owners or Proprietors of any Tract of Land, chargeable with Quit-Rent, it shall and may be lawful for any or either of such Owners or Proprietors, to pay his, her, or their proportionable Part of such Quit-Rent, and in such Case no Part of the Lands of such Person or Persons so paying, shall be liable to be sold by Virtue of this Act, and in such Case, if such Lands shall be undivided, then such Part of the undivided Shares of the Persons who have not paid, shall be sold, as will be sufficient to pay the said Quit-Rent and Charges.

XI. And be it further enacted by the Authority aforesaid, That where there are or shall be several Owners or Proprietors of any Tract of Land chargeable with Quit-Rent, and the Lands of one or more of them shall be sold by Virtue of this Act, for Payment of the Quit-Rent due upon the whole Tract, it shall and may be lawful for the Person and Persons whose Lands shall be so sold, to recover from the other Owners or Proprietors of such Tract, such Part of the Monies for which the same Land shall be sold, as such other Owners or Proprietors ought to have paid, together with Interest and Costs.

XII. And be it further enacted by the Authority aforesaid, That no Purchaser of forfeited Estates shall be liable to pay Quit-Rents for any Lands purchased, or to be purchased by him or her, but the same, and all the Arrearages thereof shall be, and are hereby forever remitted.

XIII. And be it further enacted by the Authority aforesaid, That all Quit-Rents reserved in Sterling Money, shall be computed at and after the Rate of One Hundred and Seventy-five Pounds, lawful Money of this State, for every One Hundred Pounds

Sterling Money aforesaid ; and that all Quit-Rents reserved in Proclamation Money, shall be considered as current Money of this State.

XIV. AND WHEREAS, many of the Inhabitants of this State, have been driven from their Habitations by the Incursions of the Enemy, and thereby have been greatly distressed. Therefore,

Recital:

XIV. Be it enacted by the Authority aforesaid, That any Person or Persons having been so driven off as aforesaid, shall be exempted from paying any Arrears of Quit-Rents now due, and which are required to be paid by this Act, for so much Land as was included in the Farm whereon they actually resided, and from which they were driven as aforesaid. Provided, such Farm does not contain more than One Hundred and Fifty Acres. And provided, That any Person claiming such Exemption, shall produce a Certificate, signed by one of the Judges of the Inferior Court of the County wherein such Person resides, specifying that he or she was obliged to quit his or her Farm, on Account of the War, and also specifying the Number of Acres contained in such Farm.

Persons driven from their Farms by the Enemy, exempted from paying any Quit on such Farms.

Provided that such Farm does not contain more than 150 Acres.

C H A P. XXIV.

AN ACT for Relief against absconding and absent Debtors. Passed the 4th of April, 1786.

WHEREAS divers Persons being indebted within this State, and having Estates or Effects in the same, with design to defraud their Creditors of their just Dues, do secretly depart the State, and procure their Estates and Effects, or the Value thereof to be remitted to them, or conceal themselves within the State, in Order to elude the Service of the ordinary Process of the Law, or to bring their Creditors to an unreasonable Composition. For Remedy whereof,

Preamble:

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, whensoever it shall happen, that any Person or Persons whomsoever, being indebted within this State, shall either secretly depart this State, or keep concealed within the same, any one Creditor, or Joint Company, whose Debt or Demand is due to them jointly, to whom such absconding or concealed Person or Persons is or are indebted, in the Sum of Forty Pounds, or upwards, or any two to whom he, she, or they, is or are indebted, in the Sum of Sixty Pounds, or upwards, or any three to whom he, she or they, is or are indebted, in the Sum of Eighty-Pounds, or upwards, over and above all Discounts, may make Application to the Judges of the Supreme Court of this State, for the Time being, or any one of them, and make Affidavit or Affirmation, in Writing, in Cases where by Law an Affirmation is allowed, that the said absconded or concealed Person or Persons, is or are indebted to him, her, or them, in the Sum in one of the Sums herein before-mentioned, or in any Sum exceeding the said Sum herein before-mentioned, in any of the Cases aforesaid, over and above all Discounts, and that he, she, or they do verily believe, that the said absconding or concealed Person or Persons, is or are, either departed the State, or concealed within it, with Intent and Design, to defraud him, her, or them, and other Creditors, if any such there be, of their just Dues, or to avoid being arrested by the ordinary Process of Law, which Departure or Concealment, shall also be proved to the Satisfaction of such Judge or Judges, by two credible Witnesses; and on such Affidavit or Affirmation, and such other Proof made, the said Judge or Judges, or any one of them, hereby is and are fully empowered, authorized, and required, forthwith, to issue his or their Warrant or Warrants, to the Sheriff of the City or County which contains the last usual Place of Residence of such absconding or concealed Person or Persons, or to the Sheriff or Sheriffs of any or every other City or County within this State, commanding such Sheriff or Sheriffs respectively, to attach, seize, take, and safely keep, all the Estate, as well real as personal, of the said absconding or concealed Person or Persons, of what Kind or Nature soever; and every or any Part or Parcel thereof, in whatever Part of his Bailiwick they can be found, with all Evidences, Books of Accounts, Vouchers, and Papers relating thereto, which Warrant or Warrants, the Sheriff or Sheriffs respectively, to whom the same shall

One or more Creditors of an absconding Debtor, who owes a certain Sum, may make Application to one or more of the Judges of the Supreme Court, for a Warrant to attach the Property of said Debtor.

And on Proof of such absconding Debtor, Judge to issue his Warrant to any Sheriff to attach the same, together with all Vouchers and Papers relative thereto.

Which Warrant the Sheriff is required to execute,

shall be directed and delivered, are hereby required, well and truly to execute, and with the Assistance of two substantial Freeholders, forthwith to make a just and true Inventory, of all such Estate and Effects, as he shall seize and take by Virtue thereof, and to return the same, signed by himself; and the said two Freeholders to such Judge or Judges, who issued the Warrant or Warrants for taking and seizing thereof.

Said Judge after such Return, to give public Notice, that the Debtor's Estate has been so seized, and will be sold, unless the Debtor returns and discharges his Debts.

II. And be it further enacted by the Authority aforesaid, That such Judge or Judges, who shall issue such Warrant or Warrants, shall immediately thereafter order Notice to be given in two of the public News-Papers, printed in this State, one of which to be printed in the City of New-York, that on Application to him or them made, by a Creditor or Creditors. as the Case may be, of such absconding or concealed Person or Persons, he has directed all his, her, or their Estates, real and personal, within this State, to be seized; and that unless he, she, or they, by Name, so absconding or concealed, return and discharge his, her or their Debt or Debts, within Three Months, after such public Notice given, all his, her, or their Estates, real and personal, will be sold for the Payment and Satisfaction of his, her, or their Creditors.

When perishable Goods are seized, Judge to direct them to be sold, and the Monies paid to Trustees.

III. And be it further enacted by the Authority aforesaid, That in Case any Sheriff or Sheriffs shall, by Virtue of any Warrant or Warrants, to be issued in Pursuance of this Act, seize and take any perishable Goods or Chattels, it shall and may be lawful for the Judge or Judges who issued such Warrant or Warrants, at his or their Discretion, to order the Sale of such perishable Goods and Chattels, and the Monies arising thereby, to be delivered and paid to the Trustees who shall be appointed in Pursuance of the Directions of this Act.

Sheriff seizing Goods through Ignorance, or want of Information, to have the Right of Property tried by a Jury, &c. &c.

IV. And be it further enacted by the Authority aforesaid, That if any Sheriff shall, by Virtue of any Warrant or Warrants, to be issued in Pursuance of this Act, through Ignorance or Want of proper Information, seize and take any Goods, Chattels, or Effects, which shall or may be claimed or challenged, by any Person or Persons, as his, her, or their Property, it shall and may be lawful for such Sheriff thereupon to summon and swear a Jury to enquire into and try the Right and Property thereof; and if such Jury shall, upon such Inquest, find the Right and Property of such Goods, Chattels, or Effects, to be in the Person or Persons so claiming the same, or in any other than the Person or Persons against whose Effects or Estate such Warrant or Warrants did issue, such Sheriff shall forthwith, after such Inquisition had and taken, deliver such Goods, Chattels and Effects, to the Person or Persons in whom the Property thereof shall be so found, or to his her or their Agent, Attorney, or Assigns, and such Sheriff shall not be liable to any Suit or Prosecution, for his having seized and taken such Goods, Chattels, or Effects, so seized and taken, through Ignorance, or for want of proper Information, and all reasonable Charges arising by the Sale of such perishable Goods or Chattels, or by such Inquest as aforesaid, shall be allowed and certified by the Judge or Judges who issued such Warrant, and paid out of the Estate or Effects of the absconding or concealed Person or Persons, against whose Estate and Effects such Warrant issued, if the Property of such Goods, Chattels, or Effects so claimed, shall, by such Inquisition, be found to be in any other than the Person or Persons against whose Estate or Effects such Warrant issued; but if the Property of the Goods, Chattels, or Effects so claimed, shall, by such Inquisition, be found to be in the Person or Persons against whose Estate or Effects, such Warrant of Attachment did issue; then all Costs, Charges, and Expences accrued or arising by such Claim and Inquisition, or either of them, shall be paid by the Person or Persons who claimed the same, or applied for an Inquisition to be had, or occasioned the same to be had and taken.

Where the Property of the Goods seized is found to be in the Claimants, they are to be returned.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons, indebted to any such absconding or concealed Person or Persons, or having the Custody or Possession of any Effects, or other Thing or Things whatsoever, of any such absconding or concealed Person or Persons, shall, after such first public Notice as aforesaid given, pay any Debt or Demand, or deliver any such Effects or other Thing or Things whatsoever, to any such absconding or concealed Person or Persons, or his, her or their Attorney, Agents, Factors, or Assigns, the Person or Persons so paying any such Debt or Demand or delivering such Effects or other Thing or Things whatsoever, shall be deemed to have paid or delivered the same fraudulently, and is and are hereby made liable to answer the same, or the Amount or Value thereof, to such Trustees, or the Survivor of them, as shall by Virtue of this Act be appointed to receive and distribute the Estate and Effects of such absconding or concealed Person or Persons, towards the Payment and Satisfaction of his, her, or their Creditors, and his

When Persons, paying the Debts, or delivering the Effects of absconding or concealed Debtors, or others, shall be accountable to the Trustees of the Estate, for the Amount.

Person or Persons indebted to, or having the Custody or Possession of any Effects or other Thing or Things whatsoever, of any absconding or concealed Debtor or Debtors, shall, after such public Notice as aforesaid given, be sued by him, her, or them, or by his, her, or their Order, Attorney, or Procurement, for any such Debt or Debts, Duty, Demand, Effects, or Thing, he, she or they so sued, may plead the general Issue, and give this Act, and the special Matter in Evidence.

Persons indebted to, or having the Effects of absconding Debtors in their Hands, and sued, may give this Act in Evidence.

VI. And be it further enacted by the Authority aforesaid, That all Sales and Conveyances of the Estates, Lands, Goods, Chattels, or Effects of such absconding or concealed Person or Persons; and all Assignments of any Promissory Note, Bill of Exchange, Security, or chose in Action to him, her, or them, due or belonging made by him, her, or them, after such public Notice as aforesaid given, and all Letters of Attorney, by him, her, or them, for selling any Estate or Effects, or collecting any Debts or Demands, whether made after or before such first public Notice as aforesaid given, shall be null and void, to all Intents, Constructions and Purposes whatsoever, as to all Acts done or to be done after such first public Notice given; any Law, Usage, or Custom to the Contrary notwithstanding.

Sales of Goods, Assignment of Notes, &c. and Letters of Attorney for selling any Estate, &c. or collecting Debts made by absconding Debtors, shall be null and void.

VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons against whose Estate or Effects such Warrant or Warrants of Attachment as aforesaid shall have issued, shall, at any Time before the Appointment of Trustees for all the Creditors of such Debtor or Debtors, be made either by him, her, or them, or by his, her, or their Attorney or Agent, by Petition, to the Judge or Judges who issued such Warrant, offer to prove to the Court of which he or they is or are Judge or Judges, in open Court, that he, she, or they, against whose Estate or Effects such Warrant or Warrants issued, is or are resident within this State, and were not, at the Time such Warrant issued, nor within Thirty Days preceding, nor at any Time after, and is or are not then absconding or concealed, and thereby pray that the same may be heard and determined at the then next Term of such Court; and shall and do, at the same Time, execute and deliver to the Creditor or Creditors who applied for and obtained such Warrant or Warrants of Attachment, a Bond, with good and sufficient Security, to be approved of by the said Judge or Judges, in the Sum of Forty Pounds, binding the Obligors jointly and severally, with a Condition, that if such Person or Persons by Name, against whose Estate or Effects such Warrant or Warrants issued, do not prove to the said Court at the then next Term, that he, she, or they, is or are resident in this State, and were not, at the Time such Warrant or Warrants issued, nor within Thirty Days preceding the issuing thereof, nor at any Time after, and is or are not then absconding or concealed, then such Bond or Obligation to be void, otherwise to remain in full Force and Virtue; then, and in every such Case, the Judge or Judges who issued such Warrant or Warrants, shall report his or their Proceedings in the Premises, to the Court whereof he or they is or are Judge or Judges, at the next Term thereof; which Court is hereby authorized and empowered to compel the Parties and their Witnesses to come into Court, and hear the Proofs and Allegations of the Parties and their Witnesses in a summary Way, and thereupon to determine whether the Matters and Things in such Petition have been fully proved and supported: And if such Court shall adjudge and determine that the Matters and Things contained in such Petition, have been fully and satisfactorily proved and supported, then such Court shall grant a Superfedeas to such Warrant or Warrants, and the Person or Persons against whose Estate or Effects such Warrant or Warrants did issue, shall recover his, her, or their Costs to be taxed by the said Court in open Court, of the Creditor or Creditors who procured such Warrant or Warrants of Attachment to be issued: But if the said Court shall judge and determine that the Matters and Things in such Petition mentioned, have not been fully and satisfactorily supported and proved to the said Court, then the Person or Persons to whom such Bond as aforesaid shall have been given, his, her, or their Executors or Administrators shall recover the Penalty or Sum of such Bond, together with Costs of Suit, by Action of Debt, Bill, Plaint, or otherwise, in any Court of Record within this State; the one Moiety of such Penalty or Sum to the Use of the Obligees or Obligees, his, her, or their Executors, Administrators, or Assigns; and the other Moiety thereof, when recovered and received to be paid, to such Trustees, or the Survivor of them, as shall be appointed to manage and distribute the

Persons supposed to have absconded, or concealed themselves, and had not; how to obtain Relief on the Matter of their Petitions being fully proved to the Court.

But when the Matter of such Petition is not determined to have been fully proved to the Court, forfeiture of a Bond, with Costs.

Estate and Effects, for seizing whereof such Warrant or Warrants issued ; to be by such Trustees, or the Survivor of them, disposed of and distributed in like Manner as all other Monies that may come to their Hands, by Virtue of their Appointment as Trustees, are directed to be disposed of, by Virtue of this Act.

When Trustees
shall be appointed
for Creditors of ab-
sconding Debtors,
&c.

VIII. **And be it further enacted by the Authority aforesaid,** That if such absconding or concealed Person or Persons do not return within Three Months next after such public Notice as aforesaid given, and discharge his, her or their Debt or Debts, or otherwise compound with, or satisfy his, her, or their Creditors, not having presented such Petition, and given such Bond as aforesaid ; or if such absconding or concealed Person or Persons shall have presented such Petition, and the Court shall have adjudged and determined that the Matters and Things in such Petition mentioned, have not been fully and satisfactorily supported and proved, or shall have refused to grant a Superfedeas to such Warrant or Warrants ; that then, and in either such Case, it shall and may be lawful for the Judge or Judges who issued the Warrant of Attachment, or the Judges of the same Court for the Time being, or any one of them, to nominate and appoint Three or more fit Persons to be Trustees for all the Creditors of such absconding or concealed Person or Persons ; which Trustees shall take an Oath or Affirmation, as the Case may be, well and truly to execute the Trust by that Appointment reposed in them, according to the best of their Skill and Understanding : Which Oath or Affirmation the Judge or Judges appointing the said Trustees, is and are hereby required to administer.

The Trustees
Duty.

IX. **And be it further enacted by the Authority aforesaid,** That the said Trustees, or any two of them, when so as aforesaid appointed, shall, as soon as may be thereafter, cause public Notice to be given in two of the News-Papers printed in this State, one of which to be printed in the City of New-York, of such their Appointment, and thereby require all Persons indebted to such absconding or concealed Person or Persons, by a Day certain to be appointed by them, in their said Notice, to pay all such Sum or Sums of Money, or other Debt, Duty, or Thing, which they owe to such absconding or concealed Person or Persons, and deliver all Effects of such absconding or concealed Person or Persons, which he, she, or they may have, in his, her, or their Hands, Power, or Custody, to them the said Trustees ; and that the said Trustees shall also, by public Advertisement, in two of the said News-Papers, desire all the Creditors of such absconding or concealed Person or Persons, by a certain Time in such Advertisement to be mentioned, to deliver to the said Trustees, or any one or more of them, their respective Accounts and Demands, against such absconding or concealed Debtor or Debtors.

The Trustees
Authority.

X. **And be it further enacted by the Authority aforesaid,** That such Trustees, and each and every of them, when so nominated and appointed under the Hand and Seal, or Hands and Seals of the said Judges, or any one of them, hereby is and are fully authorized and empowered to take into their Hands, all the Estate of such absconding or concealed Person or Persons, for the Management of whose Estate or Effects they were appointed, and every Part and Parcel thereof, that shall have been seized as aforesaid, and all other, his, her, or their Estate and Effects, which they the said Trustees may afterwards discover in any Part of this State, and all Evidences, Books of Accounts, Vouchers and Papers relating thereto ; and such Trustees, immediately after their Appointment, shall be, and hereby are declared to be vested with all the Estate, real and personal, of such absconding or concealed Person or Persons, for the Management of whose Estate they were appointed ; and they, and the Survivors and Survivor of them, is and are hereby enabled and made capable to sue for, recover and receive all such Estate, as well real as personal, Debts, Dues, Effects, or other Thing or Things whatsoever, as they shall find due, payable, or belonging to such absconding or concealed Person or Persons ; and such Sheriff or Sheriffs as shall have seized, attached, or taken any Estate, real or personal, or any other Matter or Thing whatsoever, by Virtue of any such Warrant or Warrants as aforesaid, shall deliver the same to such Trustees, or one of them ; and such Trustees, and the Survivors and Survivor of them, is and are hereby authorized and directed to make Sale, by public Vendue, of all such Estates and Effects of such absconding or concealed Person or Persons as shall come to their Hands after fourteen Days Notice of each Time and Place of Sale respectively, and of all Estate and Interest which such absconding or concealed Person or Person or Persons had in the same ; and Deeds and Releases, Bills of Sale, or other Conveyances for the same, or any

Part or Parcel thereof, from Time to Time to make and execute ; which being so made and executed by them, or any two of them, or the Survivor of them, for such Estates or Effects, or any Part or Parts thereof, shall be, and are hereby declared to be as good, valid, and effectual to transfer the Property thereof, to all Intents, Constructions and Purposes whatsoever, as if executed by the said absconding or concealed Person or Persons, before such public Notice as aforesaid given.

XII. And be it further enacted by the Authority aforesaid, That if any Person or Persons indebted to such absconding or concealed Debtor or Debtors, or having the Custody of any Goods, Chattels or Effects, or any Thing or Things whatsoever of such absconding or concealed Debtor or Debtors, shall conceal the same, and not deliver a just Account thereof to such Trustees as aforesaid, or one of them, by the Day for that Purpose by them appointed, he, she, or they, so concealing, or not delivering such Account thereof, shall forfeit double the Sum of the Debt or Debts, or double the Value of the Goods, Chattels, Effects, or other Thing or Things so concealed or not accounted for, to be recovered by the said Trustees, in any Court within this State having Jurisdiction to the Amount of such Forfeiture, and applied as herein after directed : Which said Courts are hereby respectively fully impowered to compel to come before them all such Person or Persons who shall so conceal, or not account as aforesaid, and them to examine upon Oath or Affirmation touching the Premises, and to commit them or either of them to Prison, if they refuse to be so examined ; or being so examined, refuse to answer fully and satisfactorily to such Court.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees of any Debtor or Debtors Estate, heretofore appointed by Virtue of any of the Laws of this State, or the late Colony of New-York, relating to fraudulent or absconding Debtors, or hereafter to be appointed by Virtue of this Act, or the Survivors or Survivor of them, or the major Part of such Survivors, to apply to any Justice of the Peace in this State, who is hereby in such Case required to grant a Warrant under his Hand and Seal, commanding such Debtor or Debtors, the Wife or Wives of such Debtor or Debtors respectively, and every other Person whomsoever, known or suspected to detain any Part of the Estate of such Debtor, or to be indebted to it, or knowing or suspected to know any Thing concerning the Concealment or Embezzlement thereof, by their respective Names, forthwith to be brought before such Justice and Trustees, at such Place as the said Justice and Trustees, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors shall, at the Time of the Application for, or the issuing of such Warrant, appoint, where the said Justice of the Peace is also hereby required and commanded to be present, or in Case of his Death, Absence, or Indisposition, such other Justice of the Peace as the said Trustees, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors shall request, to be present ; at which Meeting, as well the said Justice of the Peace as the said Trustees, or the Survivors or Survivor of them, or the major Part of such Survivors, shall and may examine on Oath, or if a Person privileged by Law to affirm, on his or her Affirmation (which Oath or Affirmation the said Justice of the Peace is hereby required to administer) as well by Word of Mouth as on Interrogatories in Writing, all and every Person or Persons brought before the said Justice and Trustees by Virtue of such Warrant or Warrants, and any other Person or Persons present at any such Meeting, touching all Matters relative to the Person, Trade, Dealings, Debts, Credits, Estate or Effects of all and every such Debtor or Debtors ; and also to reduce to Writing the Answers of every such Person had given or taken before them as aforesaid ; which Examination, so reduced to Writing, the Person so examined shall and is hereby required to sign and subscribe ; and in Case any Person so brought before them the said Justice and Trustees, or the Survivors or Survivor of them, or the major Part of such Survivors, shall refuse to be sworn ; or if a Person so privileged by Law to affirm as aforesaid, or being sworn or affirmed shall refuse to answer, or shall not fully answer, to the Satisfaction of the said Justice, all lawful Questions put to him, her, or them by the said Justice and Trustees, or the major Part of them then present, as well by Word of Mouth as by Interrogatories in Writing, or shall refuse to sign or subscribe his, her, or their Examination so taken down in Writing as aforesaid, not having a reasonable Objection either to the wording thereof or otherwise, to be allowed by the said

Persons concealing Debts due to, or Effects belonging to absconding Debtors, &c. to forfeit double the Sum or Value.

To be recovered by the Trustees.

Non-accountants and Concealers, compellable to answer upon Oath.

A Justice to grant Warrants on Application of former Trustees, &c.

Other Persons besides the Debtors, or Concealers may be examined.

Examinations, &c.

Persons refusing to be sworn, or to answer fully, or to subscribe their Examinations, to be committed.

said Justice; it shall and may be lawful for the said Justice of the Peace, and he is hereby required, by Warrant under his Hand and Seal, to commit him, her, or them to Prison, there to remain without Bail or Mainprize, until such Time as such Person or Persons respectively shall submit to the said Justice to be sworn or affirmed as aforesaid, and full Answer to make, to the Satisfaction of the said Justice, to all such Questions as shall be put to him, her, or them, as aforesaid, and to sign and subscribe such Examination as aforesaid, according to the true Intent and Meaning of this Act. **PROVIDED**

Proviso.

ALWAYS, That in Case any Person or Persons shall be committed as aforesaid for refusing to be sworn or affirmed, or to answer, or for not fully answering any Question or Questions put to him, her, or them, by the said Justice and Trustees, or the major Part of them then present, by Word of Mouth or on Interrogatories; that the said Justice of the Peace shall, in his Warrant of Commitment, specify such default respectively; and if the Commitment be for refusing to answer any Question or Interrogatory, the said Justice shall in his Warrant specify such Interrogatory or Interrogatories, Question or Questions. **PROVIDED ALSO**, That in Case any Person or Persons committed by such Warrant or Warrants by Virtue of this Act, shall bring any Habeas Corpus, in order to be discharged from any such Commitment, and on the Return of any such Habeas Corpus there shall appear any Insufficiency whatever in the Form of the Warrant whereby such Person was committed, by Reason whereof the Party might be discharged of such Commitment, that then it shall and may be lawful for the Court or Judge before whom such Party shall be brought by Habeas Corpus as aforesaid, and such Court or Judge shall and is hereby required, by Rule, Order, or Warrant, to commit such Person or Persons to the same Prison to which he was first committed, there to remain as aforesaid, unless it shall be made appear to such Court or Judge by the Party committed, that he she, or they have fully answered all lawful Questions put to him, her, or them, by the said Justice and Trustees that were then present, or the major Part of them; or in Case such Person was committed for not signing his, her, or their Examination, unless it shall be made appear to such Court or Judge that the Party so committed had a good and sufficient Reason for refusing to sign the same; and in Case any Gaoler, or Keeper of any Prison or Gaol, to whom any such Person or Persons shall be committed as aforesaid, shall wilfully suffer any such Person or Persons to escape from such Prison until he, she, or they shall be duly discharged as aforesaid, such Gaoler or Keeper shall, for every such Offence, first being duly convicted thereof on Indictment or Information, forfeit to the Trustees appointed to manage and distribute the Estate and Effects of such absconding or concealed Person or Persons respectively, a Sum equal to all such Sum or Sums of Money as shall be due or owing to the Creditor or Creditors of such absconding or concealed Person or Persons, provided the same does not exceed the Sum of One Thousand Pounds; to be sued for and recovered by the said Trustees, or the Survivors or Survivor of them, in any Court of Record within this State, and distributed as herein after directed.

Further Proviso.

On Account of Insufficiency in the Form of the Warrant.

To be re committed.

Unless it appears they have fully answered all lawful Questions; or had a sufficient Reason for not subscribing their Examination.

Persons swearing or affirming falsely, liable to the Penalties for wilful Perjury.

Ten per Cent. on the Value of Effects discovered, allowed to certain Discoverers.

Power of Trustees extended to settle Accounts, &c.

XIII. And be it further enacted by the Authority aforesaid, That in Case any Person so to be examined as aforesaid, either in Court or before such Justice and Trustees as aforesaid, shall wilfully and knowingly swear or affirm falsely, the Person so offending shall be liable to the same Pains and Penalties as those who are convicted of wilful and corrupt Perjury.

XIV. And be it further enacted by the Authority aforesaid, That any Person or Persons (others than those who have the Effects in their Custody) who shall discover any Effects of any absconding or concealed Debtor or Debtors secreted contrary to the true Intent and Meaning of this Act, so that they be recovered by the Trustees of such absconding or concealed Person or Persons Estates, shall be and hereby is or are entitled to Ten per Cent. on the Value of all Effects so discovered, recovered, and received by the said Trustees, to be paid to the Person or Persons so discovering, by the said Trustees, out of the Estate or Effects of such absconding or concealed Debtor or Debtors.

XV. And be it further enacted by the Authority aforesaid, That the Trustees of any absconding or concealed Debtor's Estate already appointed in Pursuance of any of the said Laws of this State, or of the late Colony of New-York, relating to absconding and fraudulent Debtors, or hereafter to be appointed in Pursuance of this Act, or any two of them, are hereby fully empowered to settle and adjust all Matters, Contracts, and

and Accounts that may be subsisting between such absconding or concealed Person or Persons, and his, her, or their Debtor or Debtors, and also between such absconding or concealed Person or Persons, and his, her or their Creditor or Creditors, and to examine any Person or Persons upon Oath or Affirmation, concerning any Matters, Accounts, or Settlements between them, or either of them; which Oath or Affirmation the said Trustees, or any one of them, two of them being present, is and are hereby empowered to administer. And for the greater Ease and Relief of such Trustees as aforesaid,

To examine Persons on Oath, concerning any Matters, Accounts, or Settlements.

XVI. *Be it further enacted by the Authority aforesaid,* That in Case any Controversy shall arise concerning any Debt, Matter, or Thing, claimed by any Creditor or Creditors of such absconding or concealed Person or Persons, or concerning any Debt, Due, Duty, Matter, or Thing claimed by the said Trustees, from or against any Person or Persons, as belonging to, or in Right of the Effects or Estate of such absconding or concealed Debtor or Debtors, previous to such public Notice as aforesaid first given, it shall and may be lawful for such Trustees already appointed as aforesaid, or hereafter to be appointed in Pursuance of this Act, or any two of them, or the Survivors or Survivor of them, to have every such Controversy determined in the following Manner, That is to say; The said Trustees, or any two of them, or the Survivors or Survivor of them, may nominate two Referees, not being Creditors of such absconding or concealed Debtor or Debtors, or to them known to be otherwise interested in such Controversy, or related to any Person interested in such Controversy; and the other Party or Parties in such Controversy shall also nominate two indifferent Persons to be Referees, and their Names shall be separately written on four Pieces of Paper, as nearly as may be of the same Size and Figure, which shall be rolled up separately in the same Manner, and put into a Box, and from thence one of the Trustees shall draw out three of the said Pieces of Paper, and the Persons whose Names are so drawn, shall finally settle such Controversy; and if any Referees so appointed, shall refuse, or be incapable of acting, in a reasonable Time a new Choice shall be made, in like Manner as before, of another or others, in the Room of him or them so refusing, or being incapable of acting as aforesaid; and in Case any Person or Persons who shall have any Controversy with any such Trustees as aforesaid, shall refuse to nominate fit Persons to be Referees on his, her, or their Part, then such Trustees, or any two of them, or the Survivors or Survivor of them, are hereby empowered to nominate Referees for him, her, or them so refusing, and to proceed to the final Settlement of such Controversy, in Manner aforesaid.

Controversies concerning Debts, &c.

Mode of choosing the Referees,

Referees refusing to act, others to be chosen.

Persons refusing to nominate, the Trustees to nominate for them.

XVII. *And be it further enacted by the Authority aforesaid,* That all Trustees hereafter to be appointed by Virtue of this Act, shall proceed to convert the Estate, real and personal, of such absconding or concealed Debtor or Debtors, for the Management of which Estates respectively they shall be appointed, into Money, and collect the Debts due to the same; and that the said Trustees, or any two of them, or the Survivors or Survivor of them, shall cause public Notice to be given in two of the public Newspapers printed in this State, one of which to be printed in the City of New-York, requesting a general Meeting of all such Creditors as shall choose to attend, to examine and see the Debts due to each Person ascertained, at a certain Time and Place by such Trustees in their said Notice to be appointed, which shall not be less than two, nor more than three Months after such Notice given, nor more than one Year and an Half from the Time of their first Appointment; at which Meeting, or other subsequent Meetings necessary for that Purpose, to be continued by Adjournment, if necessary, when all Accounts are fairly stated and adjusted, they shall proceed to make a Distribution or Division amongst the Creditors, in Proportion to their respective just Demands, of all such Monies as shall have come to their Hands as Trustees of such Estate or Effects (of which all Forfeitures by them recovered and received by Virtue of this Act, shall be considered as a Part) first deducting thereout all legal Charges and Commissions; in which Payments, no Preference shall be allowed to Debts due on Specialties: And if the Whole of such absconding or concealed Debtor or Debtors Estate shall not be then settled and distributed, such Trustees, or any two of them, or the Survivors or Survivor of them shall, within the Space of one Year thereafter, make a second Dividend of all such Monies as shall have come to his or their Hands after the first Division, and so from Year to Year, until a final Settlement thereof, and a just and equal Distribution

Trustees to be appointed to convert Estates and Effects of absconding Debtors, &c.

Distribution to be made amongst the Creditors.

No Preference allowed to Debts due on Specialties.

Any Surplus remaining, to be paid to the absconding Debtor, &c.

Creditors of absconding Debtors for Money not due at the Time of any Distribution of their Estates, &c. how relieved.

Where Creditors of absconding Debtors, &c. shall not be entitled to any Dividend.

Creditors not receiving Benefit from the first Division, may receive it afterwards.

Foreign Creditors entitled to all the Privileges allowed by this Act to Domestic.

Recital.

Effects of Debtors residing out of the State, &c. liable to be sold.

Proviso.

of such Estate or Effects shall have been made amongst the Creditors of such absconding or concealed Debtor or Debtors, in Proportion to their respective just Demands ; and if any Surplus shall remain after all just Debts and legal Charges and Commissions are fully paid and satisfied, such Surplus shall be paid or delivered to the said absconding or concealed Person or Persons, his, her, or their Executors, Administrators or Assigns.

XVIII. *And be it further enacted by the Authority aforesaid,* That any Person or Persons who may have given Credit to any such absconding or concealed Debtor or Debtors, on a valuable Consideration, for any Sum of Money, which shall not be due or payable at the Time of any such Division or Distribution as aforesaid, but will become due or payable at some after Time, shall and may, nevertheless, be admitted and considered as a Creditor or Creditors whose Debts were then due, and shall receive a Dividend of the Estate of such absconding or concealed Debtor or Debtors, in the same Proportion as other Creditors, deducting thereout only a Rebate of legal Interest for what shall be received on such Debt or Debts, to be computed from the actual Payment thereof, to the Time such Debt or Demand respectively would have become due.

XIX. *And be it further enacted by the Authority aforesaid,* That if any Creditor or Creditors shall neglect or refuse to give Notice of, or deliver to the said Trustees an Account of his, her, or their Debt or Demand, or having any Controversy relating to, or concerning the Estate of such absconding or concealed Debtor or Debtors, shall refuse to adjust or settle the same with the said Trustees, in the Manner in and by this Act directed, until after a Division shall have been made of the Monies and Effects in the Hands of the said Trustees, any such Creditor or Creditors shall not be entitled to any Dividend, and the whole Monies then in Hand to be divided, shall be divided by the said Trustees among the other Creditors ; but in Case the Whole of the Estate of such Debtor or Debtors shall not be divided and settled at the first Division, then, if such Creditor or Creditors respectively shall prove and deliver unto such Trustees, an Account of his, her, or their Debt or Demand, before the Time appointed for the second Division, or shall have settled such Controversy as aforesaid with the said Trustees, then such Creditor or Creditors shall have his, her, or their first Dividend, or so much Money as he, she, or they would otherwise have been entitled to, on the first Division, before any second Dividend shall be made.

XX. *And be it further enacted by the Authority aforesaid,* That any Creditor or Creditors residing out of this State, shall be entitled to all the Privileges and Benefits of this Act ; and that the Attorney or Attornies of every such Creditor or Creditors residing out of this State, on producing a Letter of Attorney from such Creditor or Creditors, duly authenticated, and legal Proof of the Debt due, shall and may, in all Respects, act, do, and proceed for and in Behalf of such Creditor or Creditors, in the same Manner as such Creditor or Creditors might or could do, for securing or recovering their respective Debts from such absconding or concealed Debtor or Debtors, if such Creditor or Creditors was or were personally present.

AND WHEREAS Persons who dwell out of this State, may be indebted within the same, and have Estates or Effects sufficient within the same to pay and satisfy such Debts, or Parts thereof ; Therefore,

XXI. *Be it further enacted by the Authority aforesaid,* That the Estates, Goods, Chattels and Effects, real and personal, of all and every such Person and Persons (so indebted) as do or may dwell or reside out of this State, shall also be subject and liable to be taken, seized, proceeded against, sold, conveyed, and disposed of for the Payment and Satisfaction of such of the said Debts as aforesaid, as near as may be, in like Manner as the Estates and Effects of other Debtors, in and by this Act, are made subject and liable to. PROVIDED ALWAYS, That instead of the Proof of absconding or Concealment of such Debtor or Debtors, the Creditor or Creditors applying for any Attachment against the Estate or Effects of any Person or Persons residing out of this State, shall make Proof by two Witnesses, to the Satisfaction of the Judge or Judges to whom Application for such Attachment shall be made, that such Debtor or Debtors reside out of this State : AND ALSO PROVIDED, That in any such Case, no Trustees shall be appointed until the Expiration of one Year after such public Notice as aforesaid given.

XXII.

XXII. And be it further enacted by the Authority aforesaid, That if any Person, against whose Estate or Effects such Warrant or Warrants of Attachment shall be issued, shall, at any Time before the Appointment of Trustees in the Manner aforesaid, in Person, or by Attorney or Agent, apply to the Judge who shall have issued such Warrant or Warrants, and give such Security as such Judge shall direct and approve, to the Person or Persons at whose Instance such Warrant or Warrants issued, to appear and plead to any Suit or Action to be brought in any Court of Law or Equity in this State, within six Months thereafter, against the same Person against whose Estate or Effects such Warrant or Warrants shall be issued by the Person or Persons at whose Instance such Warrant or Warrants issued, and pay all such Sums as may be adjudged or decreed in any such Suit or Action; then, and in every such Case, such Judge shall issue a Superfedeas to such Warrant or Warrants, and no farther Proceedings shall be had thereon. AND FURTHER, That in all Cases where upon any such Attachment or Attachments, any Ship or Vessel, or any Part thereof, shall be seized or attached, it shall be lawful for the Judge who shall have issued such Warrant or Warrants, to cause such Ship or Vessel, or Part thereof so seized or attached, to be valued by indifferent Persons; and if any Person will give Security, to be approved of by such Judge, to the People of the State of New-York, for the Benefit of the Creditors of such Debtor, to pay the Amount of such Valuation to the Trustees to be in such Case appointed, then such Judge shall cause such Ship or Vessel to be discharged from such Attachment.

Any Person against whose Effects a Warrant has issued, if he appears before Trustees are appointed, and gives Security, &c. entitled to a Superfedeas.

Any Ship seized on Attachment, may be discharged, on Security being given, &c.

XXIII. And be it further enacted by the Authority aforesaid, That the first Judge of the Inferior Court of Common Pleas in each County within this State, and the Mayor and Recorder of the City of New-York, and each and every of them, is hereby authorized and empowered to put this Act in Execution in their respective Counties. PROVIDED ALWAYS, That where Warrants shall be issued by any Judge or Judges of the Supreme Court, and also by a first Judge of any of the said Inferior Courts, or such Mayor or Recorder, against the Estate or Effects of the same Person or Persons, in such Case the Judges of the Supreme Court, or any one of them, shall award a Writ or Writs of Certiorari to the Judge of such Inferior Court, or Mayor or Recorder, as the Case may require, to remove the Proceedings there before the Judge or Judges of the Supreme Court, that he or they may proceed upon both Warrants, or either of them.

First Judge of a County, Mayors Court, &c. required to put this Act in Execution in their Counties. Proviso.

XXIV. And be it further enacted by the Authority aforesaid, That the Judge or Judges, Mayor or Recorder, who shall issue any Warrant or Warrants of Attachment in Pursuance of this Act, shall make Report to the Court whereof he or they is or are Judge or Judges, of the Proof of the Debt or Demand made by the Creditor or Creditors on whose Application such Warrant or Warrants issued, of the issuing of such Warrant or Warrants, of the Notice thereon ordered, of the Publication of such Notice, of the Appointment of Trustees, and of all other Matters required of him or them by this Act to be done out of Court, and cause that Report to be entered in the Minutes of the said Court, to be Evidence of the Facts so reported, and such Report, or the Record or Entry thereof in the Minutes of the said Court, shall be full and conclusive Evidence of the Facts so reported in all Courts of Record within this State.

Judge, Mayors, &c. who issue the Warrant, to make Report to their Courts, &c.

XXV. And be it further enacted by the Authority aforesaid, That the Judge or Judges, Mayor or Recorder who shall make any such Appointment of Trustees, shall and is and are hereby required, at the Request of the Trustees thereby appointed, or any of them, to endorse on such Appointment an Allowance that the same may be recorded; which Allowance, signed by the said Judges, Mayor or Recorder, or any one of them, if a Judge of the Supreme Court, shall be a sufficient Warrant and Authority to the Secretary of this State, and to all or any of the Clerks of the respective Cities or Counties within this State, to record the same; and if such Judge be a Judge of an Inferior Court of Common Pleas, or Mayor or Recorder, shall be a sufficient Warrant and Authority to the Clerk of the Court or County whereof he is a Judge, to record the same, and any Appointment of Trustees under the Hand and Seal or Hands and Seals of any Judge or Judges, or Mayor or Recorder, authorized to put this Act in Execution, or the Record thereof duly made in the said Secretary's Office or in the Office of the Clerk of any City or County of this State, shall be full and conclusive Proof in all

On Appointment of Trustees, Judge making the same, to endorse thereon an Allowance for it to be recorded, &c.

Which Record shall be an Evidence in all Courts.

Courts

Courts and Places within this State, that the Person or Persons against whose Estate or Effects such Warrant or Warrants issued, was or were, at the Time of issuing thereof, either absent, absconding, or concealed Debtor or Debtors within the Meaning of this Act; and that the said Appointment, and the Proceedings previous thereto, were regular, and according to the Directions of this Act.

Recital.

AND WHEREAS the Affidavits or Affirmations of the Creditors whereon Warrants of Attachment have issued against concealed or absconding Debtors, by Virtue of sundry Laws of this State relating to fraudulent and absconding Debtors, and the Warrants of Attachment issued as aforesaid, and the Sheriffs Returns thereof, and Inventories therewith returned, have usually remained with the Judge or Judges who issued the same, or one of them, and the Appointments of Trustees made in Pursuance thereof, remained in the Hands of the Trustees appointed, or one of them, and by Reason of the Decease of such Judges, and Death or Removal of such Trustees, are many Times lost or mislaid; by Means whereof such Persons as have or may purchase any Messuages, Lands, Tenements or Hereditaments which were of such absconding or concealed Debtors, from or under any Trustees for all the Creditors of any concealed or absconding Person or Persons appointed as aforesaid, may be disabled to make out their Rights and Titles to the same, and such Affidavits or Affirmations, Warrants of Attachment, or Appointments of Trustees, in Case they can be found, are not at present of Record, or filed in any public Office of Record, which may be of evil Consequences to such Purchasers as aforesaid, or Persons claiming under them. For Remedy whereof,

Judge issuing a Warrant, to direct Creditors Affidavit, Return of the Warrant, &c.

XXVI. *Be it further enacted by the Authority aforesaid,* That any Judge or Judges, or Mayor or Recorder who shall issue such Warrant or Warrants of Attachments as aforesaid, pursuant to this Act, shall, and he or they is and are hereby required and directed to cause the Affidavits or Affirmations of the Creditor or Creditors made before him or them previous to the issuing of such Warrant or Warrants respectively, within thirty Days after the taking of such Affidavit or Affirmation, and such Warrant or Warrants of Attachment as aforesaid, within thirty Days after the Return thereof by such Sheriff as shall return the same, together with the Sheriff's Return thereof, to be delivered into the Office of the Clerk of that Court whereof he or they is or are Judge or Judges; which Clerk is hereby required and commanded to mark or cause them to be marked respectively with the Day and Year on which each of them respectively shall be filed in his Office, and to preserve the same amongst the Papers filed in such Office. And all Trustees hereafter to be appointed by Virtue of this Act, or the Survivors or Survivor of them, who by Virtue of such Appointment shall sell and convey any Messuages, Lands, Tenements or Hereditaments, shall cause such Appointment of Trustees to be duly proved or acknowledged and allowed, so that the same may be recorded, and shall cause the same to be entered of Record, either in the Secretary's Office of this State, or in the Office of the Clerk of the City or County wherein such Messuages, Lands, Tenements or Hereditaments do lie; and every Appointment of Trustees for the Estate of any fraudulent or absconding or concealed Debtor heretofore made by any Judge or Judges of the Supreme Court, or any of the Inferior Courts of Common Pleas, or by the Mayor or Recorder of the City of New-York, and every Appointment of Trustees hereafter to be made in Pursuance of this Act, or the Record thereof made by such proper Officer as aforesaid, or an Office-Copy thereof, attested by any such proper Officer as aforesaid, in Case such Record should have perished by Fire or or other Accident, together with a legal Title or Conveyance from such Trustees, or any two of them, or the Survivors or Survivor of them, proved or to be proved in such due Form as by Law required, shall be a full, compleat and perfect Title for such Messuages, Lands, Tenements or Hereditaments, to such Purchaser or Purchasers, his, her, or their Heirs and Assigns, against such absconding, absent, or concealed Debtor or Debtors, his, her, or their Heirs or Assigns, and all other Persons claiming or to claim by, from, or under him, her, or them, by Virtue of any Act, Deed, Matter or Thing, after such first public Notice as aforesaid given; and all Sales and Conveyances of any Messuages, Lands, Tenements, or Hereditaments heretofore bona fide sold and conveyed by any Trustees heretofore appointed by such Judge or Judges, Mayor or Recorder as aforesaid, for the Management and Distribution of the Estate of any absconding

Trustees who sell Lands, to cause their Appointments to be recorded, &c.

absconding or concealed Debtor or Debtors, are hereby confirmed and declared to be valid and effectual, to all Intents and Purposes, to such Purchaser or Purchasers, his, her, and their Heirs and Assigns, against such absconding, or concealed, or absent Debtor or Debtors, his, her, or their Heirs or Assigns, or any Person claiming or to claim by, from, or under him, her or them, by Virtue of any Act, Deed, Matter, or Thing, after such first public Notice as aforesaid given. PROVIDED ALWAYS, That such Purchaser or Purchasers, his, her, or their Heirs or Assigns, now are, and have been, for the Space of three Years last past, in the actual Possession of such Messuages, Lands, Tenements, or Hereditaments.

XXVII. And be it further enacted by the Authority aforesaid, That such Trustees as shall hereafter be appointed by Virtue of this Act, shall keep a regular Book or regular Books of Account of all such Monies as shall come to their Hands, by Reason or on account of such their Appointment; to which Book or Books every Creditor interested in such Monies or Estate, at all reasonable Times may have Recourse; and that such Trustees, and each of them, shall be subject to such Orders and Directions for the more effectual putting this Act in Execution, and finishing a Distribution of such Estate or Effects as may come to their Hands by Virtue of such Appointment, as shall from Time to Time be made and given in the Court by the Judge or Judges whereof such Appointment of Trustees was made, and also that such Trustees shall render unto the Court by the Judge or Judges whereof they were appointed, a just and true Account or Accounts in Writing, upon Oath, or if of the People called Quakers, Affirmation, made in open Court, of their Proceedings and Accounts in the Premises, by Virtue of their Appointment. which shall be filed with the Clerk of the said Court, for the Satisfaction of all Persons concerned; and such Trustees of the Estate of any such absconding, absent, or concealed Person or Persons, already appointed, or hereafter to be appointed, shall and may retain and keep in their Hands, for the Trouble and Services to be by them performed, the Sum of Five per Cent. on the whole Sum which shall come into their Hands by Virtue of such Appointment, before each Dividend made, over and above all necessary Disbursements in the Premises.

Trustees to keep a Book of Accounts of Monies received by them, which shall be open to the Inspection of Creditors; be subject to the Orders of the Court, and render to them an Account of their Proceedings.

XXVIII. And be it further enacted by the Authority aforesaid, That any Judge or Judges, Mayor or Recorder, who have issued any Warrant or Warrants in Pursuance and by Virtue of any Act or Acts against absent, absconding, or concealed Debtors, may proceed thereon by Virtue of this Act, and that Trustees appointed by any of the said Acts, may exercise all the Powers given by this Act to such Trustees, and shall be subject to such Rules, Orders, and Regulations as in and by this Act are appointed.

Warrants issued by Virtue of former Acts, to be proceeded on agreeable to this Act.

XXIX. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be sued for any Matter or Thing done in Pursuance or by Virtue of this Act, it shall and may be lawful for him, her, or them, to plead the general Issue, and give the special Matter in Evidence, and also that this Act shall be beneficially construed for the Creditors in all Courts of Record within this State.

Persons sued for any Thing done in Pursuance of this Act, to plead the general Issue.

AND WHEREAS, by the first Section of the Act, entitled, An Act to amend an Act, entitled, An Act for Relief against absconding and absent Debtors, and to extend the Remedy of the Act, entitled, An Act for granting a more effectual Relief in Cases of certain Trespasses, and for other Purposes therein mentioned, passed May the 4th, 1784, Remedy was given to Creditors against Debtors, designated in the said first Section of the said Act, with Authority to proceed against such Debtors in Manner as nearly as may be as is prescribed and directed in and by an Act, entitled, An Act for Relief against absconding and absent Debtors, passed the 3d Day of April 1775.

Reciting the Expiration of former Acts, &c.

AND WHEREAS the Act last mentioned is expired by its own Limitation;

XXX. Be it therefore enacted by the Authority aforesaid, That all Proceedings hereafter to be had against such Debtors as are particularly described in and by the aforesaid first Section of the Act first aforesaid, shall, as nearly as may be, be in the Manner prescribed and directed in and by this Act.

Proceedings to be had under such expired Acts, to be in Manner by this Act prescribed.

C H A P. XXV.

A N A C T to regulate the Militia. Passed the 4th April, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That every able bodied male Person being a Citizen of this State, or of any of the United States, and residing in this State (except such Persons as are hereinafter excepted) and who are of the Age of Sixteen, and under the Age of Forty-five Years, shall, by the Captain or commanding Officer of the Beat in which such Citizen shall reside, within four Months after the passing of this Act, be enrolled in the Company of such Beat. That every Captain or commanding Officer of a Company shall also enrol every Citizen as aforesaid, who shall from Time to Time arrive at the Age of Sixteen Years, or come to reside within his Beat, and without Delay notify such Enrolment to such Citizen so enrolled, by some non-commissioned Officer of the Company, who shall be a competent Witness to prove such Notice. That all Disputes which may happen with Respect to the Age or Ability of any Person to bear Arms, shall be determined by the Captain or commanding Officer of the Company, with a Right of Appeal by the Person who may conceive himself aggrieved, or by any other Person belonging to the Company, to the Colonel or commanding Officer of the Regiment. That every Citizen so enrolled and notified, shall, within three Months thereafter, provide himself, at his own Expence, with a good Musket or Firelock, a sufficient Bayonet and Belt, a Pouch with a Box therein to contain not less than twenty-four Cartridges suited to the Bore of his Musket or Firelock, each Cartridge containing a proper Quantity of Powder and Ball, two spare Flints, a Blanket and Knap sack; and shall appear so armed, accoutred and provided, when called out to Exercise or Duty, as herein after directed, except that when called out to exercise only, he may appear without Blanket or Knap sack. That the commissioned Officers shall be respectively armed with a Sword or Hanger, and an Es-pontoon. That the Commander in Chief for the Time being shall, by general Orders, arrange the whole Militia into Commands, as nearly equal as convenient may be, of Brigades, Regiments and Companies, and may, from Time to Time, alter such Arrangements as he shall think proper; and that to each Brigade of Infantry there shall be one Company of Artillery, and one Troop of Horse. That each Regiment of Infantry shall consist of two Battalions, each Battalion to be composed of four Companies, and each Company of

One Captain,
One Lieutenant,
One Ensign,
Four Serjeants,
Four Corporals,
One Drummer,

One Fifer, and not less than sixty-five Privates, as nearly as local Circumstances will admit. The Serjeants, Corporals, Drummers and Fifers to be from Time to Time appointed by the Captain or commanding Officers of the several Companies. And if any non-commissioned Officer so to be appointed, shall refuse to accept the Office to which he shall be appointed, he shall forfeit the Sum of Forty Shillings, to be adjudged, levied, and disposed of as is herein after directed, with Respect to Fines for neglecting or refusing to appear to exercise. That each Regiment shall be commanded by three Field Officers, viz. One Lieutenant-Colonel Commandant, and two Majors; and that to each Regiment there shall be a regimental Staff, to consist of

One Adjutant,
One Quarter-Master,
And one Pay-Master,
One Surgeon, and
One Surgeon's Mate.

} To rank as Lieutenants,

And

Citizens of 16 and under 45 Years of Age, to be enrolled by the Captain of the Beat in which they reside, and to be notified thereof by him.

Disputes about the Age of any Person how to be determined.

Militia how to be armed and accoutred.

Commander in Chief for the Time being, by General Orders, to arrange the Militia, and how.

Serjeants, &c. to be appointed by the Captain.

Regimental Staff

And that to each Regiment there shall be two Light-Infantry Companies, composed of such active young Men as shall voluntarily engage in such Infantry Companies, and who shall form on the Flanks of the Regiment, and be clothed in such Uniform as is herein after directed. That four Regiments thus constituted, shall form a Brigade, to be commanded by a Brigadier General, who may nominate his own Brigade-Major, which Brigade Major shall rank as Captain. That each Troop of Horse shall consist of

Each Regiment to have two Light Infantry Companies.

Troops of Horse how arranged, &c.

One Captain,
One Captain-Lieutenant,
One Lieutenant,
One Cornet,
Four Serjeants,
Four Corporals,
One Saddler,
One Farrier,
One Trumpeter, and
Forty Horsemen.

Each Trooper to furnish himself with a serviceable Horse at least fourteen Hands high, a good Saddle, Bridle, Housing, Holsters, Breastplate and Crupper, a Pair of Boots and Spurs, a Pair of Pistols, a Sabre, a Cartouch-Box to contain twelve Cartridges for his Pistols ; and that the commissioned Officers shall be armed with a Sword and Pair of Pistols, the Holsters of which to be covered with Bearskin Caps.

Artillery how to be officered, &c.

That each Company of Artillery shall consist of

One Captain,
One Captain-Lieutenant,
Three Lieutenants,
Six Serjeants,
Six Corporals,
Six Gunners,
Six Bombardiers,
One Drummer,
One Fifer, and
Thirty-two Matrosses.

Each commissioned Officer shall be armed with a Sword or Hanger, a Fuzee, Bayonet and Belt, and Cartridge-Box to contain twelve Cartridges ; and each Artillerist shall furnish himself at his own Expence with all the Equipments of a Private in the Infantry, until proper Ordinance and Field Artillery can be provided by the State, the Drum and Fife to be provided by the commissioned Officers of the Company. That each Company of Artillery and Troop of Horse shall be formed of Volunteers from the District of the Brigade within which they reside, and shall be uniformly clothed in Regimentals to be furnished at their own Expence, the Colour and Fashion of which to be determined by the Brigadier commanding the Brigade. That on every Enlistment of a Volunteer into the Horse, Artillery, or Light-Infantry, the Captains of such Troops or Companies respectively shall immediately certify the same to the Captain of the Beat from which such Volunteer shall enlist. That each Regiment shall be provided with State and Regimental Colours at the Expence of the Field Officers, and each Company with a Drum and Fife at the Expence of its commissioned Officers. That all the Militia of the State shall rendezvous four Times in every Year, for the Purpose of training, disciplining, and improving in martial Exercises, twice by Companies within their Beats, once by Regiments, and once by Brigades ; the Time and Place of Rendezvous for the Companies, to be appointed by the Colonel or commanding Officer of the Regiment, and arranged on different Days, that the Field and Staff Officers may have an Opportunity of attending the several Companies exercised in Detail, in order to introduce Uniformity in the Manœuvres and Discipline of the Regiment. That each commanding Officer of a Regiment shall appoint a regimental Parade at some convenient Place as nearly central as may be within the District of his Regiment ; and each Brigadier-General shall appoint a brigade Parade at some convenient Place within the District of his Brigade, as nearly central as may be ; at which

Artillery and Troops of Horse to be formed of Volunteers.

Regiments to be provided with Colours, and all the Militia to rendezvous four Times in a Year.

brigade

Adjutant-General to be appointed.

Every Brigade to have an Inspector.

Light Infantry Companies, at the annual Review, to be formed into a Regiment, &c.

Artillery and Horse to be attached to such Regiment, and remain with them.

Commissioned Officers to report their Acceptance of their Appointment.

Oath to be taken by the Members of the Court-Martial.

Oath to be taken by the Judge Advocate.

brigade Parade such Brigade shall rendezvous on such Days as the Commander in Chief shall appoint by General Orders ; and which Days shall be so arranged that the Adjutant-General may be enabled to visit and review them at their respective brigade Parades. That there shall be an Adjutant-General of the Militia, whose Duty shall be to distribute all Orders from the Commander in Chief to the several Corps, and once in every Year review the Brigades ; to attend the respective Brigades on their respective Parades ; and the Regiment of Infantry, and Companies of Artillery and Cavalry during the Time of their being under Arms, pursuant to this Act ; and shall inspect their Arms, Ammunition, Accoutrements and Clothing ; superintend their Exercises and Manœuvres, and introduce a System of military Discipline throughout the State, agreeable to such Orders as he shall from Time to Time receive from the Commander in Chief ; to furnish blank Forms of different Returns that may be required, and explain the Principles on which they shall be made ; that within three Weeks after he shall have finished his annual Review, he shall deliver to the Commander in Chief a Return of all the Militia of the State, reporting the actual Situation of the Arms, Accoutrements, and Ammunition of the several Corps, their Delinquencies, and every other Thing which in his Judgment may relate to their Police, and the general Advancement of good Order and military Discipline ; that he shall have the Rank of Lieutenant-Colonel, and shall be allowed, as a full Compensation for all the Services he is required to perform by this act, at and after the Rate of Two Hundred and Fifty Pounds for every Year. That to every Brigade there shall be an Inspector, to rank as Major, whose Duty it shall be to attend the regimental Parades, and shall then and there inspect their Arms, Ammunition, Accoutrements, and Clothing ; superintend their Exercises and Manœuvres, and introduce a proper System of military Discipline throughout his Brigade, agreeable to such Orders as he may from Time to Time receive from the Adjutant-General. That at the annual Brigade Rendezvous, the Light Infantry Companies of the Regiments composing the Brigades, shall be formed into a Regiment, to be commanded by such Field Officers as the commanding Officer of the Brigade shall appoint for that Service. That when so embodied, they shall continue together at least four Days, and perform such Manœuvres and Evolutions, under the Direction of the Adjutant-General, as he shall assign them. That the Artillery Company and Troop of Horse belonging to each Brigade, shall, during such Service, be attached to, and remain with the Regiment of Light Infantry, and be subject to the Orders of the commanding Officer thereof. That every regimental commissioned Officer shall report his Acceptance of his Appointment within ten Days from his receiving Notice thereof, to the commanding Officer of the Regiment, who shall in like Manner, within ten Days, make Return thereof to his Brigadier. The commissioned Officers of Cavalry and Artillery shall also notify the Acceptance of their Appointments, within ten Days after they have received Notice, to their Captains, and the Captains shall make similar Returns to their Brigadiers, within ten Days. That a general Court-Martial shall consist of thirteen commissioned Officers, who shall appoint their own Judge Advocate ; which Judge-Advocate shall tender to each Member, and each Member is hereby enjoined to take the following Oath :

You do swear that you will well and truly try and determine, according to Evidence, the Matter now depending between the People of the State of New-York, and the Prisoner or Prisoners to be tried ; and you do further swear, that you will not divulge the Sentence of the Court, until the same shall be approved of, pursuant to this Act ; neither will you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-Martial, unless required to give Evidence thereof by a Court of Justice, in a due Course of Law. So help you God.

And the President is hereby authorized to tender to the Judge-Advocate, who is hereby enjoined to take the following Oath :

You do swear that you will not, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, in a due Course of Law ; and that you will not divulge the Sentence of this Court, until the same shall be approved, pursuant to this Act. So help you God.

That

That every commissioned Officer who shall be convicted by a general Court-Martial, of having refused or neglected to perform any of the Duties of his Office, shall be punished according to the Nature and Degree of his Offence, at the Discretion of the said Court, either by Fine, or Removal from his Office.

Commissioned Officer when convicted how to be punished.

Proviso.

Brigade Court-Martial to be ordered by Commander of the Brigade.

Courts Martial for the Trial of General Officers, how to be ordered and conducted.

Sentences of Removal approved by the Commander in Chief, to be laid before the Council of Appointment, &c.

Fines imposed on Non-commissioned Officers and Privates, &c.

Commissions to the Officers to be numbered, from which their Rank is to be determined.

Regimental and Company Fines how to be adjudged and levied.

Fines inflicted on Person, under Age how to be paid.

PROVIDED no Fine shall exceed Ten Pounds for the first Offence, or Fifty Pounds for any subsequent Offence; which Fine shall be levied and collected by Warrant under the Hand and Seal of the commanding Officer of the Brigade, directed to any Serjeant of the Regiment to which such Officer on whom such Fine is imposed, may belong, in like Manner as the Fines herein after mentioned to be recovered of non-commissioned Officers and Privates, for Neglect or Refusal of Duty. That the commanding Officer of a Brigade may order Courts martial for the Trial of Offences within his Brigade; the Members of which shall be warned for that Duty by the Brigade-Major, who is to keep a Roster for that Purpose. That the Proceedings and Sentence of every Court-Martial, by which any Officer shall be removed from Office, shall be in Writing, signed by the President thereof; and that all Proceedings and Sentences shall, by the President, be delivered to the commanding Officer of the Brigade, to be by him transmitted to the Commander in Chief, who shall approve or disapprove of the same in Orders; and that all other Proceedings and Sentences of brigade Courts martial, shall be delivered by the President thereof to the commanding Officer of the Brigade, who shall approve or disapprove of the same in Orders. That a Court martial for the Trial of General Officers, shall be ordered by the Commander in Chief, and composed of General and Field Officers, who shall be warned to that Duty by the Adjutant-General, from a Roster to be by him kept for that Purpose. That the Proceedings and Sentences of such Courts shall be transmitted by the Presidents thereof, to the Commander in Chief, who shall confirm or disapprove of the same in general Orders. PROVIDED, That no Sentence of a Court martial on a General Officer, shall go farther than Removal from Office. That all Sentences of Courts martial, by which any Officer shall be removed, and which shall be approved by the Commander in Chief, shall by him, from Time to Time, be laid before the Council of Appointment, to the End that the Person administering the Government of this State for the Time being, by and with their Advice and Consent, may appoint others instead of the Officers so removed from Office. That every non-commissioned Officer or Private, who shall neglect to appear when warned in Pursuance of this Act, without sufficient Excuse, shall, for every Day he neglects to appear at the Brigade Rendezvous, forfeit the Sum of Twenty Shillings, and shall, for every Day he neglects to appear at the Regimental or Company Parades, forfeit the Sum of Eight Shillings; and if he shall not be armed and equipped according to the Directions of this Act, when so appearing, without sufficient Excuse, he shall, for every Deficiency, forfeit the Sum of One Shilling; and appearing without a Musket, the Sum of Four Shillings. That the Commissions to be granted to Officers of the Militia shall be numbered; and the Officers of the same Grade shall take Rank according to the Numbers marked on their respective Commissions; and when Officers of different Corps shall meet on Duty, the Rank of Officers of the like Grade shall be determined by Ballot, by the commanding Officer of the Whole then present. That one Brigade, Regiment, or Company of Foot (except the Light Infantry Companies herein before mentioned) shall not be considered as older, or having Rank or Preference of the other; but each Brigade, Regiment, or Company, shall be posted in the Line, or on Command, as the commanding Officer shall think proper. That all Fines arising from Offences in a Company only, shall be adjudged of, and imposed by the commissioned Officers of the said Company, or the major Part of them; and all Fines to arise from Offences on calling out the Regiment or Brigade, with Respect to the non-commissioned Officers and Privates, shall be adjudged and inflicted by the major Part of the Field Officers of the Regiment, and shall be levied, with Costs not exceeding Three Shillings, by Warrant from the Colonel or commanding Officer of the Regiment, or Captain, or commanding Officer of the Company, as the Case may be, directed to one or more Serjeants, by Distress and Sale of the Goods and Chattels of the Offenders respectively. And in Case any such Defaulter shall be under Age, and live with his Father or Mother, or shall be then an Apprentice or Servant, the the Master or Mistress, or Father or Mother, as the Case may be, shall be liable to pay the said

City of New-York to raise one Regiment of Artillery.

Commander in Chief, in Case of Invasion, may order out the Militia, &c.

And on Application from a neighbouring State, may order out One third and keep them on Duty out of the State for forty Days.

Certain Characters exempted from Militia Duty.

Quakers, instead of Duty, to pay 40s. per Annum.

Fine, with Costs ; and in Default of Payment, the said Serjeant shall levy the same upon the Goods and Chattels of such Father or Mother, or Master or Mistress ; such Fines, when recovered, to be paid by the Serjeant or Serjeants to the Officer granting such Warrant, whose Duty it shall be to account for, and pay the same to the commanding Officer of the Brigade ; and such commanding Officer shall pay the same into the Treasury of this State. That the City and County of New-York shall raise one Regiment of Artillery, to consist of as many Companies as the Commander in Chief shall judge necessary, not to exceed four ; which Companies shall consist of the same Number of Officers, non-commissioned Officers, and Matrosses, as the Artillery Companies herein before mentioned. That such Regiment of Artillery shall have three Field Officers, shall be armed and accoutred in the same Manner, as the other Artillery Companies mentioned in this Act, until further Provision is made therein by Law, and shall be called out to exercise by Orders from the Commander in Chief, at least six Times in every Year, and be subject to the same Fines and Penalties as are inflicted by this Act for the Neglect or Refusal to do Duty, or being deficient in any Arms or Equipments.

II. *And be it further enacted by the Authority aforesaid,* That the Commander in Chief for the Time being, may, in Case of Invasion, or other Emergency, when he shall judge it necessary, order out any Proportion of the Militia of the State, to march to any Part thereof, and continue as long as he may think necessary ; and likewise may, in Consequence of an Application from the Executive of any of the United States, on an Invasion, or an Apprehension of an Invasion of such State, at his Discretion order any Number of the Militia, not exceeding one third Part thereof, to such State. *PROVIDED,* That they be not compelled to continue on Duty out of this State more than Forty Days at any one Time. That while in actual Service, in Consequence of being so called out, they shall receive the same Pay and Rations, and be subject to the same Rules and Regulations as the Troops of the United States of America.

III. *And be it further enacted by the Authority aforesaid,* That the Lieutenant-Governor, Members and Officers of Congress, and their Servants not Citizens of this State, Members of Senate and Assembly, the Clerks of Senate and Assembly, the Chancellor, Chief Justice, and other Justices of the Supreme Court, Judge of the Court of Probates, and all other judicial Officer, Secretary, Treasurer, Attorney-General, and Auditor of this State, Surveyor-General, Registers of Courts, Sheriffs, Coroners, and Gaolers, two Ferry-men employed to each Boat, and the Surrogates in the several Counties ; all Ministers or Preachers of the Gospel, Physicians and Surgeons, except in their respective Professions and Callings, the Professors, Tutors, and Students of Columbia College, Post-Officers, and Stage-Drivers who are employed in conveying the Mails of the Post-Office of the United States, all School-Masters engaged for six Months, the actual Attendant of every Grist-Mill, and the Fire-Men of the Cities of New-York and Albany, and of the Township of Brooklyn, and twenty Fire-Men to be from Time to Time appointed by the Majority of the Magistrates of the County of Albany residing in the Township of Schenectady, notwithstanding their being above sixteen and under Forty-five Years of Age, shall be, and hereby are exempted from training or doing Duty in the Militia.

IV. *And be it further enacted by the Authority aforesaid,* That all Persons being of the People called Quakers, who would otherwise be subject to military Duty, by Virtue of this Act, and who shall refuse personal military Service, shall be exempted therefrom, on paying annually the Sum of Forty Shillings each, for such Exemption ; such Sum to be assessed on each of them respectively, by the Assessors, and collected by the Collectors of the Districts wherein they respectively reside, with the contingent Charges of the County, and paid to the County Treasurer, who shall pay the same into the Treasury of this State, to be applied towards the Support of Government, and it is hereby made the Duty of every Captain of Infantry, within three Months after he shall have received his Commission, and yearly, and every Year thereafter, on the first Monday of June in every Year, to make a List of the Names of all and every Person and Persons within his Beat, who being of the People called Quakers, shall neglect or refuse personally to perform military Service, and deliver such List in the City of New-York, to the Clerk of the said City, and in each of the other Counties of this State, to the Supervisor of the Town, Precinct, or District where such Person or Persons so neglecting

glecting or refusing to perform military Service, shall respectively reside. And the Clerk of the said City of New-York shall forthwith, after receiving such Lists, deliver the same to the Mayor, Aldermen, and Commonalty of the said City, in Common Council convened. And the Mayor, Recorder, and Aldermen of the City of New-York, or any three of them in the said City, and the Supervisors, or major Part of them of each of the other Counties of this State respectively, shall, at their first Meeting after the Delivery of such Lists, cause Tax-Lists to be made out, according to such Lists so delivered, with Warrants thereon, under their Hands and Seals, directed to the Collector of the Ward, Town, Precinct, or District in which such Persons named in such Lists respectively reside, for levying the Sum of Forty Shillings, of the Goods and Chattels of each of the Persons named in the same Lists. And the said Collectors are hereby respectively authorized and required to demand and receive of each of the Persons named in such Tax-List, the said Sum of Forty Shillings; and in Default of Payment, such Collector shall levy the said Sum of Forty Shillings, by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same; and in Case any Person named in such Tax-List shall be under Age, and live with his Father or Mother, shall be then an Apprentice or Servant, the Master or Mistress, or Father or Mother, as the Case may be, shall be liable to pay the said Sum of Forty Shillings for such Person so under Age; and in Default of Payment, the Collector shall levy the same by Distress, and the Sale of the Goods and Chattels of such Father or Mother, Master or Mistress; and the said respective Collectors shall respectively pay the said Monies to the City or County Treasurer, deducting their Fees for collecting, on or before the first Monday in January in every Year; and the County Treasurers shall respectively pay the same to the Treasurer of this State, deducting his Fees for receiving the same, on or before the first Monday in March in every Year. And the Collectors and County Treasurers shall have the like Fees for collecting and receiving the said Monies, as they are respectively entitled to for collecting and receiving the Monies raised for defraying the necessary and contingent Charges of the said City or Counties.

Treasurer and
Collectors Fees, &c.

V. And be it further enacted by the Authority aforesaid, That the non-commissioned Officers and Privates of the Companies of Artillery, Cavalry, and Infantry, which by this Act are directed to remain embodied for the Purpose of being trained and instructed in military Discipline, after the other enroled Militia of this State are dismissed, shall be allowed and paid, for every Day which they shall so remain as aforesaid longer than the said enroled Militia, each Two Shillings.

Non-commissioned
Officers, &c. of
certain Companies,
remaining embodied
for Instruction in
Discipline, allowed
2s. per Day.

VI. And be it further enacted by the Authority aforesaid, That the Captains of the respective Companies of Artillery, Cavalry, and Infantry, which shall remain embodied as aforesaid, shall make out and deliver to the Inspector of the Brigade to which such Companies shall respectively belong, a Roll of their respective Companies, specifying the Names of the non-commissioned Officers and Privates who have actually been in the Field as aforesaid, and the Times which they have so been in the Field, And that the said Inspector shall muster the said Companies on the Day next before the Day of their Dismission, and shall certify the exact State of such Companies respectively, upon the Muster-Roll thereof, and subscribe his Name thereto; which Muster-Roll, being subscribed and sworn to by the Captains of such Companies respectively, before the Brigadier or commanding Officer of the Brigade, shall, by the said Captains, together with a Pay-Roll, be delivered to such Brigadier, or commanding Officer of the Brigade.

Captains of such
Companies to deli-
ver a Roll, &c.

VII. And be it further enacted by the Authority aforesaid, That when the Muster-Rolls and Pay-Rolls of the said Companies respectively, shall be delivered as aforesaid to the Brigadier, or commanding Officer of the respective Brigades, the said Brigadier, or commanding Officer of the Brigade, shall cause the Major of the Brigade to make out an Abstract of the Whole of the Pay of the said Companies of Cavalry, Artillery, and Infantry, of his Brigade; which Muster-Rolls, Pay-Rolls, and Abstract, being severally examined and certified by the said Brigadiers, or commanding Officers of the Brigades respectively, shall be transmitted to the Treasurer of the State.

Brigade-Major
shall make Ab-
stracts of the Pay of
certain Companies,
&c. &c.
To entitle them
to Pay.

VIII. And be it further enacted by the Authority aforesaid, That when the Muster-Rolls, Pay-Rolls, and Abstract, shall have been delivered in Manner aforesaid, to the Treasurer of the State, the said Treasurer shall and may, and he is hereby authorized and directed to pay to the Captains of such Companies respectively, upon Application
therefore

Treasurer to is-
sue the Monies to
Captains for Pay of
their Companies.

therefore, the Amount of the Pay of their respective Companies, to be specified in their Pay-Rolls as aforesaid, out of any unappropriated Monies in the Treasury; and such Captains shall, as soon as conveniently may be, pay the same to such non-commissioned Officers and Privates respectively, who are entitled to the same, or their Executors or Administrators.

Militia arranged.

IX. And be it further enacted by the Authority aforesaid, That the Commander in Chief shall, from Time to Time, arrange the Militia in two Divisions, as nearly equal as Circumstances in his Opinion will admit of.

Preamble in Favour of Washington and Montgomery Counties.

AND WHEREAS, from the great Extent of the Counties of Washington and Montgomery, some of the Inhabitants would be subject to great Expence and Difficulty, if they were obliged to attend at regimental and Brigade Parades :

Exempting from Attendance on certain Parades, beyond a certain Limit.

X. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the respective commanding Officers of the Militia in each of the said Counties, to exempt such Persons from attending regimental and Brigade Parades, as shall live at a greater Distance than Thirty Miles from such Parades aforesaid.

Preamble respecting Richmond County.

AND WHEREAS, from the insular Situation of the County of Richmond, it will be attended with much Inconvenience and Expence, if the Militia thereof should be compelled, for the Purpose of improving in military Discipline, to attach themselves to the Militia of any other County : Therefore,

Whose Militia is to be formed into one Regiment, &c.

XI. Be it further enacted by the Authority aforesaid, That the Militia of the said County of Richmond, shall be formed into one Regiment, to consist of as many Companies as the Commander in Chief shall judge necessary ; which Regiment shall meet four Times in the Year, in the Manner, and during the Periods which the other Militia of this State are directed to meet ; but such Regiment shall be inspected in the said County, by such Inspector of the Militia of the City and County of New-York, as the Commander in Chief shall direct, and shall be attached to, and considered as Part of the Militia of the City and County of New-York, and be subject to the immediate Command of the senior Brigadier of the said City and County, as Part of his Brigade,

Mode of supplying Deficiencies in the Infantry.

XII. And be it further enacted by the Authority aforesaid, That if a sufficient Number of Volunteers shall not offer themselves to compose the Infantry Companies of any Regiment, it shall and may be lawful from Time to Time, when a Deficiency in the Compliment of any such Company shall arise, to and for the Field Officers of the Regiment to cause a List to be made, of all the young Men enroled in the District of such Regiment, above the Age of Sixteen, and under the Age of Twenty-six Years, and who shall not already have enlisted in the said Infantry Companies, and shall, by Lot, determine which of the said young Men shall be compelled to attach themselves to the said Companies of Infantry.

Mode of ordering out the Militia in Times of Invasion.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Major-General, or commanding Officer of a Brigade, or commanding Officer of a Regiment, when, and as often as any Invasion may happen, to order out the Militia under their respective Commands, for the Defence of this State, giving Notice of such Invasion and every Circumstance attending the same, as early as possible, to their immediate commanding Officer, by whom such Information shall be transmitted, with the utmost Expedition, to the Commander in Chief. And that in Cases of Insurrections, the commanding Officer of the Regiment within the Limits of which any such Insurrection may happen, shall immediately assemble his Regiment under Arms, and having transmitted Information thereof to the commanding Officer of the Brigade, and to the Commander in Chief, shall proceed to take such Measures to suppress such Insurrection, as to any three of the Judges or Justices of the County in which such Insurrection shall happen, shall appear most proper and effectual : And if any Person be wounded or disabled, while in actual Service, in opposing any Invasion or Insurrection, or in suppressing the same, he shall be taken Care of, and provided for at the public Expence, without having any Regard to the Rank such Person may hold.

Commissary of Military Stores to be appointed, &c.

XIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Person administering the Government of the State for the Time being, by and with the Advice and Consent of the Council of Appointment, to appoint a Commissary of military Stores, who shall be allowed at and after the Rate of Forty Pounds per Annum ; and such Commissary shall have the Charge and Keeping of Ordinance

Ordinance and military Stores of the State, subject to such Orders and Instructions in the Execution of his Duty, as he shall receive from the Commander in Chief.

XV. *And be it further enacted by the Authority aforesaid,* That every non-commissioned Officer and Private, who shall neglect or refuse to obey the Orders of his superior Officer, while under Arms, shall forfeit Twenty Shillings for every such Offence; and if any such non-commissioned Officer or Private, enroled to serve in either of the Companies of Artillery, Cavalry, or Infantry, shall refuse or neglect to perform such military Duty or Exercise as he shall be required to perform, or shall depart from his Colours or Guard, without the Permission of his superior Officer as aforesaid, he shall forfeit the Sum of Twenty Shillings, and for the Non-Payment thereof, the Offender shall be committed, by Warrant from the Captain or commanding Officer of the Troop or Company then present, to which such Offender doth belong, to the next Gaol, there to be confined until the Fines as aforesaid, together with the Gaoler's Fees, are paid; and the respective Sheriffs of the respective Cities and Counties of the State are hereby empowered and required to receive the Body or Bodies of such Offender or Offenders as shall be brought to them by Virtue of a Warrant or Warrants under the Hand and Seal of such Officer as aforesaid, and him or them to keep in safe Custody, until such Fines as are mentioned in such Warrant, together with the Gaoler's Fees, as aforesaid, shall be paid; and the Sheriffs and Gaolers respectively shall be allowed the same Fees as are allowed in other Cases. *PROVIDED,* That in Case of a military Guard, where a Captain doth not command in Person, a Warrant granted by an inferior Officer, who shall have the Command of such Guard, shall be of the same Authority against all Offenders, as if such Warrant had been issued by such Captain.

Forfeitures in Cases of Neglect, &c. of Duty in Non-commissioned Officers and Privates.

Non-Payment of Fines, the Offenders to be committed.

When Warrants from inferior Officers shall be of equal Authority with those from Supervisors.

XVI. *And be it further enacted by the Authority aforesaid,* That the military Uniform of this State, shall be as follows, that is to say,

Military Uniform

General Officers, Dark blue Coats with buff Facings, Linings, Collars, and Cuffs, and yellow Buttons, with buff under Clothes.

Regimental Officers of Infantry, Dark blue Coats, with white Linings, Facings, Collars, and Coifs, and white Buttons, with white under Clothes.

Non-commissioned Officers and Privates of Infantry, Dark blue Coats with white Linings, Collars, and Cuffs, and white under Clothes.

Staff Officers, Dark blue Coats, with buff Collars and Linings, and yellow Buttons.

Provided, That none of the non-commissioned Officers and Privates of the Regiments of Militia, except those composing the light Infantry Companies directed to be formed by this Act, shall be obliged to appear in Uniform, in Manner aforesaid.

What Companies to appear in Uniform.

XVII. *And be it further enacted by the Authority aforesaid,* That all Persons who have heretofore been commissioned Officers in the Line of the Army of the United States, shall be, and hereby are exempted from serving in the Militia of this State, any Thing in this Act to the Contrary hereof notwithstanding.

Former Continental Officers exempted from serving in the Militia.

Provided nevertheless, That if any such Officer, being above the Age of Sixteen, and not more than Forty-five Years, shall be commissioned in the Militia to a Rank equal to that which he held in the said Army, and shall refuse to accept such Commission; such Officer, so refusing, shall be liable to serve in the Militia.

Proviso:

XVIII. *And be it further enacted by the Authority aforesaid,* That the Commander in Chief shall, as soon as may be after the passing of this Act, take such Measures as to him shall seem proper, to obtain the Age, Rank, and Residence of all Officers who heretofore have served in the Militia of this State, and the Number of Men between the Age of Sixteen and Forty-five, directed to be enroled by this Act; and all executive Officers within this State, are hereby strictly enjoined and required to carry into Execution such Directions relative to the Premises, as the Commander in Chief may, from Time to Time, give and enjoin.

Commander in Chief to obtain the Age, Rank and Residence of former Militia Officers, &c.

XIX. *And be it further enacted by the Authority aforesaid,* That all other Laws of this State, for regulating the Militia thereof, shall be, and hereby are repealed.

Former Militia Acts repealed.

Provided always, That the Act, entitled, "An Act to regulate the Militia," passed the 4th of April, 1782, shall continue to be in full Force and Effect in the different Counties of this State, until the Militia of such Counties shall be arranged and officered agreeable to the Directions of this Law, and no longer.

C H A P. XXVI.

AN ACT to enable the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, to order the raising Monies by Tax, for the Maintenance of the Poor, and other contingent Expences arising in the said City. Passed the 4th Day of April, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Mayor, Aldermen, and Commonalty of the City of New-York, in Common-Council convened, shall be, and hereby are fully empowered and authorized, as soon as conveniently may be after the passing of this Act, to order the raising a Sum, not exceeding Six Thousand Pounds, by a Tax on the Estates real and personal of all and every the Freeholders and Inhabitants within the City and County of New-York, to be applied to the Support and Maintenance of the Poor of the said City and County, the Bridewell, and the Criminals from Time to Time confined in the Prison of the said City and County, and to the repairing and maintaining the public Roads, and cleaning and improving the Streets within the said City and County; and also a further Sum, not exceeding Four Thousand Pounds, by a Tax on the Estates real and personal, of all and every the Freeholders and Inhabitants within the said City, on the South Side of a Line beginning at the Outlet of the Swamp of Leonard Lispenrad, Esquire, into Hudson's-River; thence to and along the North Side of the Dwelling House of Nicholas Bayard, Esquire; thence to and along the North Side of the Dwelling House late of Thomas Jones, Esquire; and thence to and along the North Side of the Dwelling House of Abraham Cannon, to the East River, to be applied to the Payment of so many Watchmen as the Mayor, Aldermen, and Commonalty of the said City of New-York, shall think necessary for guarding the said City; and also to the purchasing of Oil, providing Lamps, and repairing and attending the Lamps which now are or hereafter may be erected within the said City: Which said Sums above-mentioned, shall be rated and assessed by the Assessors, according to the Estate of each respective Person so to be taxed. That the said Tax shall be raised and collected in one Payment, and shall be assessed by the Assessors of the said City and County for the Time being, and levied and collected in the same Manner as hath heretofore been accustomed within the said City and County, for levying and collecting the Tax for the Maintenance and Support of the Poor, and other contingent Charges within the said City and County; and that the said Tax shall be paid into the Hands of the Treasurer or Chamberlain of the said City for the Time being, to be applied and disposed of, from Time to Time, in such Manner and Proportions, for the Purposes mentioned in this Act, as the Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, shall direct and appoint.

6000l. Tax on the City and County of New-York.

4000l. Tax on the City to the Southward of a certain Line.

Both Taxes to be collected in one Payment.

C H A P. XXVII.

AN ACT for the Relief of Creditors against Heirs, Devisees, Executors, and Administrators, and for proving Wills respecting real Estates. Passed the 4th April, 1786.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all and every Creditor, whether by simple Contract or Specialty, and whether the Heirs are mentioned therein or not, shall and may, by Virtue of this Act, have and maintain his, her, and their Action and Actions against the Heir and Heirs at Law of any Debtor who hath already died, or shall hereafter die intestate, seized of any Manors, Messuages, Lands, Tenements, or Hereditaments, and against the Heir and Heirs at Law, and Devisee and Devisees of such Debtor, in Case such Debtor made any last Will and Testament; and such Heir and Heirs, Devisee and Devisees, shall be liable and chargeable for a false Plea, by him, her, or them, pleaded in the same Manner as any Heir should have been for

Relief to Creditors against Heirs of Intestate, &c.

for any false Plea by him pleaded, in any Action of Debt upon Specialty, or for not confessing the Lands or Tenements to him descended. And further, that all Creditors shall be preferred as in Actions against Executors and Administrators.

II. And be it further enacted by the Authority aforesaid, That in all Cases where any Heir or Heirs at Law is, are, or shall be liable to pay the Debt of his, her, or their Ancestor, in Regard of any Lands, Tenements, or Hereditaments, descending to him, her, or them, and shall sell, alien, or make over the same, before any Action brought, or Process sued out against him, her, or them; such Heir and Heirs at Law shall be answerable for such Debt, to the Value of the said Lands so by him, her, or them sold, aliened, or made over; in which Cases all Creditors shall be preferred as in Actions against Executors and Administrators; and such Execution shall be taken out upon any Judgment or Judgments so obtained against such Heir or Heirs, to the Value of the said Land, as if the same were his, her, or their own proper Debt or Debts; but the Lands, Tenements, and Hereditaments bona fide aliened before the Action brought, shall not be liable to such Execution.

Relief to Creditors against Heirs, &c.

PROVIDED ALWAYS, And be it further enacted by the Authority aforesaid, That where any Action shall be brought against any Heir or Heirs, such Heir and Heirs may plead Reins per Descent at the Time of the original Writ brought, or the bill filed against him, her, or them, any Thing herein contained to the Contrary notwithstanding. And the Plaintiff in such Action may reply, that such Heir or Heirs had Lands, Tenements, or Hereditaments, from his, her or their Ancestor, before the original Writ brought, or Bill filed; and if upon Issue joined thereupon, it be found for the Plaintiff, the Jury shall enquire of the Value of the Lands, Tenements, or Hereditaments so descended, and thereupon Judgment shall be given, and Execution awarded as aforesaid: But if Judgment be given against such Heir or Heirs, by Confession of the Action, without confessing the Assets descended, or upon Demurrer, or Nihil Dicit, it shall be for the Debt and Damages, without any Writ, to enquire of the Lands, Tenements, and Hereditaments so descended.

Action brought against Heirs, they may plead reins per descent.

Issue joined, if found for the Plaintiff, &c.

PROVIDED ALSO, And be it further enacted by the Authority aforesaid, That all and every Devisee and Devisees made liable by this Act, shall be liable and chargeable, in the same Manner as the Heir and Heirs at Law, by Force of this Act, notwithstanding the Lands, Tenements, and Hereditaments, to him or them devised, shall be aliened before the Action brought, and shall and may, in all Cases, plead the like Pleas, and be liable to the like Judgments and Executions as the Heir and Heirs at Law.

Devisees made liable in the same Manner as Heirs at Law.

III. And be it further enacted by the Authority aforesaid, That no Lands, or other real Estate of any Testator or Intestate, shall be sold, or in any Wise affected, by Virtue of any Judgment or Execution against Executors or Administrators.

No real Estates of Testator or Intestate to be sold, &c.

IV. And be it further enacted by the Authority aforesaid, That when any Executor or Administrator, whose Testator or Intestate hath died seized, or shall die seized of any real Estate, shall discover or suspect that the personal Estate of his, her, or their Testator or Intestate, is insufficient to pay his or her Debts, such Executor or Administrator shall, as soon as conveniently may be, make a just and true Account of the said personal Estate and Debts, as far as he or she can discover the same, and deliver the said Account to the Judge of the Court of Probates of this State for the Time being, and request his Aid in the Premises. And the said Judge shall thereupon make an Order, directing all Persons interested in such Estate, to appear before him at a certain Day and Place in the same Order to be specified, not less than six Weeks, nor more than ten Weeks after the Day of making such Order, to shew Cause why so much of the real Estate whereof such Testator or Intestate died seized, should not be sold, as will be sufficient to pay his or her Debts; which Order shall immediately thereafter be published for four Weeks successively, in two or more of the public News-Papers printed in this State; and the Judge of the Court of Probates for the Time being shall, at the Time and Place specified in such Order, or at such other Time and Place as he may then appoint, hear and examine the Allegations and Proofs of such Executors or Administrators, and of all such other Persons interested in such Estate, as shall think proper to make or offer any; and if upon due Examination the said Judge shall find that the personal Estate of such Testator or Intestate is not sufficient to pay his or her Debts,

Duty of certain Executors, &c.

The Judges Proceedings thereon, previous to selling off real Estates.

the

Where the Judge may sell more than Amount of Debts, and return Overplus to Heirs, &c.

Sales and Conveyances of Estates, by Order of Judge of Probates, by whom made, &c.

Monies arising from Sales of part of real Estates, to be assets in the Hands of Executors, &c.

Proviso, in Favour of Suits against Executors in respect of personal Estate.

Executors, &c. of Wills, devising real Estate, may bring such to the Inferior Courts of Common Pleas.

the said Judge shall order and direct the Whole, if necessary, or if not, so much of the real Estate of such Testator or Intestate then remaining unsold, to be sold, as will pay his or her Debts; and when only a Part of the real Estate is ordered to be sold, such Order shall specify the Amount so ordered to be sold. **PROVIDED ALWAYS**, That where any Houses and Lots are so circumstanced that a Part thereof cannot be sold without manifest Prejudice to the Heirs or Devisees, the Judge of Probates, at his Discretion, may order the Whole, or a greater Part thereof than is necessary to pay such Debt or Debts, to be sold, and to distribute the overplus Money arising from such Sale to and among the Heirs and Devisees as the Case may be.

V. And be it enacted by the Authority aforesaid, That all Sales of any real Estate, to be made by Order of the Judge of the Court of Probates, shall be made, and Conveyances for the same executed by the Executors or Administrators applying for such Order, and such other Person or Persons as the said Judge may think proper to appoint; and the Conveyances for the same shall set forth such Order at large, and shall be good, valid, and effectual against the Heirs and Devisees of such Testator or Intestate, and all claiming by, from, or under them, or any of them.

VI. And be it further enacted by the Authority aforesaid, That where only a Part of the real Estate is ordered to be sold as aforesaid, the Monies arising by such Sale or Sales, shall be received by the Executors or Administrators applying for such Order, and shall be considered as Assets in their Hands, for the Payment of Debts; but where the Whole real Estate is ordered to be sold, the Monies arising thereby shall be brought into the said Court of Probates; and if the same, after deducting all Charges and Expences, shall not be sufficient to pay all the Debts of the Testator or Intestate, the said Judge shall cause the same, after deducting all Charges and Expences, to be divided among the Creditors, in proportion to their respective Debts, without giving any Preference to Bonds, or other Specialties. **PROVIDED ALWAYS**, That before the Judge of the Court of Probates makes any such Distribution, he shall cause at least Three Months Notice of the Time and Place of making the same to be given, by advertising the same in two or more of the public News-papers printed in this State, for Six Weeks successively. **PROVIDED ALSO**, That no Part of the Real Estate of any Testator or Intestate, shall be ordered to be sold as aforesaid, until the Executors or Administrators shall have applied the personal Estate, or such Part thereof as may have come to their Hands, towards Payment of the Debts of such Testator or Intestate. And no more of the real Estate shall be sold in any Case, than may be necessary to pay the Residue of the said Debts. **PROVIDED ALSO**, That nothing herein contained shall be construed to prevent or bar any Person from bringing or maintaining any Suit or Action against any Executor or Administrator, for or in Respect of the personal Estate of his or her Testator or Intestate, or for or in Respect of any Waste or Misapplication thereof by such Executor or Administrator.

VII. And be it further enacted by the Authority aforesaid, That in all Cases where any real Estate is or shall be devised by any last Will or Testament, it shall be lawful for the Executors, or any other Persons interested in such Real Estate, if they, or any of them shall think proper, to cause such last Will and Testament to be brought before the Inferior Court of Common Pleas, held in and for the County where such real Estate is or shall be situated; and the said Inferior Court shall cause the Witnesses to such last Will and Testament, to be examined before the same Court, in open Court; which Examinations shall be reduced to Writing, and if it shall appear to the same Court, that such last Will and Testament was duly executed according to Law, and that the Person who executed the same, was, at the Time of executing the same, of full Age, and of sound Mind and Memory, and not under any Restraint, then the said Court shall order and direct the Clerk of the same Court to record such last Will and Testament, together with the Proof thereof so taken in the said Court, in a Book to be provided by the said Clerk for that Purpose. *And further*, That if the Lands or real Estate so devised, are or shall be situated in several Counties, then such last Will and Testament shall be proved in Manner aforesaid, before the Supreme Court, and recorded as aforesaid by the Clerk of the same Supreme Court.

VIII. And be it further enacted by the Authority aforesaid, That neither the Supreme Court, nor any of the said Inferior Courts, shall proceed to examine the Witnesses

nesses to the Execution of any last Will and Testament, unless it shall appear or be proved to such Court, that due Notice of such Intention had been given to the Heir or Heirs of the Testator; or if such Heir or Heirs are not to be found within this State, fixed up at the last Place of Abode of such Testator, at least Fifteen Days before such Examination.

When Witnesses to Wills are to be examined in the Courts.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Courts, and for each and every of the Judges of the said Courts, to cause the Witnesses to all such last Wills and Testaments, and all such other Witnesses as any Person interested may desire to be summoned, to appear before such Court, to testify what they shall know concerning the Premises; and if any such Witness shall neglect or refuse to appear, the said Court shall and may cause such Witness to be brought before the same Court, to be examined as a Witness, touching the Premises.

Courts to order the Appearance of Witnesses to Wills,

X. And be it further enacted by the Authority aforesaid, That every Person, in whose Custody or Power any such last Will and Testament is or shall be, shall, upon Request produce the same before such Court as he or she may be required, for the Purpose aforesaid, and when the same shall be proved and recorded as aforesaid, the original shall be returned to the Person who brought it to the said Court, if such Person desire it. AND FURTHER, That if any Person in whose Custody or Power any last Will or Testament is or shall be, shall refuse to produce and deliver the same, then the said Court, before which such Person ought to produce the same, shall and may commit such Person to the common Gaol, there to remain, without Bail or Mainprize, until he or she shall produce and deliver such last Will and Testament to the same Court, or to one of the Judges thereof.

The original Will to be returned if desired.

XI. And be it further enacted by the Authority aforesaid, That the Records of the said Wills so proved and recorded as aforesaid, shall be as good and effectual in all Cases, as the original Wills would be, if produced and proved.

Records of Wills as effectual in all Cases as their Originals.

XII. And be it further enacted by the Authority aforesaid, That the Expence of proving and recording the said Wills, shall be paid by the Person applying to have the same done, and the Witnesses and Officers shall have the like Fees for Attendance and Services, in Virtue of this Act, as they are entitled to for the like Attendance and Services in other Cases.

Expences of proving and recording, and for Witnesses and Officers.

XIII. And be it further enacted by the Authority aforesaid, That the Judge of the Court of Probates shall have and take for the Services to be by him performed by Virtue of this Act, the following Fees, TO WIT, For filing every Petition, One Shilling; for making and entering every Order, Six Shillings; for every Citation, under Seal, to Witnesses, or for any other Purposes, Six Shillings; for every Sentence, or Decree, Thirty Shillings; for receiving and paying out all Monies which may come into his Hands in Consequence of any Sale by Order of the said Court, a Commission of Three per Cent. for Copies of all Records and Proceedings, when required, for each Sheet, consisting of One Hundred and Twenty-eight Words, One Shilling and Six-Pence.

Fees of the Judge of the Court of Probates, &c.

C H A P. XXVIII.

A N A C T to divide the County of Albany into two Counties. Passed the 4th April, 1786.

WHEREAS the County of Albany is so extensive as to be inconvenient to its Inhabitants. Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That that Part of the County of Albany, which lies on the East Side of Hudson's-River, on the South Side of the North Line of Kinderhook District, and on the South of the North Line of King's District, shall be one separate and distinct County, and be called and known by the Name of Columbia.

Limits of Columbia County.

Its Privileges.

II. And be it further enacted by the Authority aforesaid, That the said County of Columbia shall hold and enjoy all the Rights, Privileges, and Immunities which appertain to other Counties within this State.

The Place of its Court-House and Gaol.

III. And be it further enacted by the Authority aforesaid, That the Court House and Gaol for the said County of Columbia, shall be erected at or near the Place where the old Church in Clavarack now stands; and until the Gaol for the said County shall be erected, the Sheriff, and other Officers of Justice, having Process and the Custody of Prisoners, may commit Prisoners to the Gaol of the County of Albany, and the Gaoler thereof shall receive such Prisoners, and be answerable for them, as if they were delivered to his Care by the Sheriff or other Officers of the said County of Albany.

Suits commenced before 2d Tuesday in October next, not affected by this Act.

IV. And be it further enacted by the Authority aforesaid, That nothing in this Act contained, shall be construed to affect any Suit or Action already commenced, or that shall be commenced before the second Tuesday in October next, so as to work a Wrong or Prejudice to any of the Parties therein, nor to affect any criminal or other Proceedings on the Part of the People of this State; but all such civil and criminal Proceedings shall and may be prosecuted to Trial, Judgment, and Execution, as tho this Act had never been passed; and that all Writs and Process which may issue out of the Inferior Court of Common Pleas of the said County of Columbia, subsequent to the first Tuesday in October next, shall bear Teste as of the last Day of the Term of September next, as tho such Term had been held on the second Tuesday of September aforesaid.

2000l. to be raised for building a Court-House and Gaol in Columbia County.

V. And be it further enacted by the Authority aforesaid, That the Supervisors in the several Districts in the said County, for the Time being, shall, and they are hereby authorized and required to cause to be levied and raised of the Freeholders and Inhabitants of the said County, a Sum not exceeding Two Thousand Pounds, for the Purpose of building a Court-House and Gaol in the said County, with an additional Sum of Nine Pence in the Pound, for collecting the same; which said Sums shall be levied, raised, and collected in the said County, in like Manner as all other necessary and contingent Charges of the said County of Albany have been heretofore levied, raised, and collected.

Its District Quotas how to be apportioned.

VI. And be it further enacted by the Authority aforesaid, That the said Supervisors of the said County of Columbia, shall meet at the Dwelling-House of Gabriel Effelstyne, at Clavarack, on the first Tuesday of June next, for the Purpose of dividing and apportioning, amongst the several Districts in the said County of Columbia, the Quotas to be raised by Virtue of this Act; and it is hereby made the Duty of Peter Van Nels, Esquire, to notify the respective Supervisors of such Meeting.

And paid into the County Treasury.

VII. And be it further enacted by the Authority aforesaid, That the Sum of Money so to be raised as aforesaid, shall be collected and paid into the Hands of the Treasurer of the said County of Columbia, at such Time and Times as the Supervisors at the said Meeting shall appoint and direct; and the said Supervisors are hereby required, by Plurality of Voices, to appoint a Treasurer for the said County, and also a Clerk of the Supervisors, on or before the first Tuesday in June next.

Trustees to superintend the building of the Court-House and Gaol.

VIII. And be it further enacted by the Authority aforesaid, That William B. Whiting, Abraham J. Van Alstyne, John Livingston, Henry J. Van Rensselaer, Matthew Scott, Seth Jenkins, and William H. Ludlow, Esquires, be, and they are hereby appointed Trustees to superintend and direct the building of the said Court-House and Gaol, in such Manner as they, or the Majority of them, shall judge most eligible and consistent with the Interest of the Inhabitants of the said County; and the said Trustees, or a Majority of them may, and they are hereby authorized to contract with, and purchase from any Person or Persons in the Town of Clavarack, so much Land as they shall deem necessary for the erecting a Court-House and Gaol upon, and for the Use of the same, and to take a Deed and Conveyance thereof to the Supervisors of the said County, and their Successors forever, in Trust for the Freeholders and Inhabitants of the said County; and that the said Trustees, or the Majority of them, shall and may contract with Workmen, and purchase Materials, and employ an Overseer or Overseers of such Workmen, and from Time to Time draw upon the Treasurer of the said County for such Sums of Money raised by Virtue of this Act, as may be necessary

necessary for, the Purpose aforesaid ; and the Treasurer is hereby required, out of the said Monies, to pay to the Order of the said Trustees, or of the Majority of them, such Sum or Sums of Money as they may from Time to Time draw for.

IX. And be it further enacted by the Authority aforesaid, That the said Trustees, their Executors or Administrators, shall, when thereunto required by the Supervisors of the said County, account for the Expenditure and Disposition of all Monies to be by them received by Virtue of this Act ; and if the said Trustees, or either of them, or the Executors or Administrators of either of them, shall neglect or refuse to account to and with the Supervisors for the Time being, for the Monies by them received by Virtue of this Act, and after an Order for that Purpose served upon them severally, signed by the Clerk of the Supervisors, it shall and may be lawful for the Treasurer of the said County, and he is hereby directed to commence and prosecute, in his own Name, a Suit or Suits, for Money had and received to his Use ; and all Damages which shall be recovered in such Suit or Suits, shall be applied in like Manner as the Monies directed to be raised by Virtue of this Act.

And to account
to the Supervisors
for Expenditures.

X. And be it further enacted by the Authority aforesaid, That if the said Treasurer, Supervisors, Assessors, or Collectors, shall neglect or refuse to perform the Duty required of him or them by this Act, the Person so neglecting or refusing, shall forfeit the Sum of One Hundred Pounds, to be recovered in any Court of Record within this State, at the Suit, and in the Name of the said Trustees, or the Survivors or Survivor of them ; which said Sum, when recovered, shall be disposed of by the said Trustees, in like Manner as the Monies to be raised by Virtue of this Act are to be applied.

Penalty for De-
linquency of
County Officers,

XI. And be it further enacted by the Authority aforesaid, That the Supervisors, and other District Officers, in and for the said County of Columbia, shall be elected and chosen on the same Days, and in the same Manner as the like Officers are elected and chosen in the several Districts in the County of Albany.

District Officers
when to be elected;

XII. And be it further enacted by the Authority aforesaid, That the next ensuing Election for Governor, Lieutenant-Governor, and Members for Senate and Assembly, shall be held on the same Day, and in the same Manner as tho' this Act had not passed ; and that it shall and may be lawful for the Freeholders and Inhabitants of the said County of Columbia, yearly thereafter, to elect three Members to represent the same County in Assembly ; and that the Remainder of the said County of Albany shall remain and continue a separate County, by the Name of the County of Albany ; and that it shall be lawful for the Freeholders and Inhabitants of the same County of Albany yearly to elect Seven Members, and no more, to represent the said County of Albany in Assembly ; and that the said County of Columbia shall remain Part of the Western District of this State.

Next Election
for Governor, &c.
to be held as usual.

XIII. And be it further enacted by the Authority aforesaid, That there shall forever hereafter be held, in and for the said County of Columbia, an Inferior Court of Common Pleas, and a Court of General Sessions of the Peace ; and that there be in the said County of Columbia, three Terms in every Year, to commence and end on the Days following, to wit, The First Term to commence on the Second Tuesday in January, and to end on Saturday next ensuing, inclusive—The Second Term to commence on the Second Tuesday in May, and to end on the Saturday next ensuing, inclusive—And the Third to commence on the Second Tuesday in September, and to end on the Saturday next ensuing, inclusive. PROVIDED, That on any of the Terms aforesaid, the Court may adjourn previous to the Day assigned, if the Business of the Court will admit ; and that the first Inferior Court of Common Pleas and General Sessions of the Peace in the said County, shall be held on the Second Tuesday of January next ensuing.

Courts to be held
in Columbia
County, three
Times in every
Year.

XIV. And be it further enacted by the Authority aforesaid, That nothing in this Act contained, shall be obligatory on the Sheriff of the County of Albany, to retain in his Custody Prisoners from the Sheriff or other Officers of the said County of Columbia for any longer Term than Two Years from the passing of this Act ; and that the Sheriff of the said County of Columbia shall remove out of the Gaol of the City of Albany, within the said two Years, all such Prisoners as shall have been committed or sent to the said Gaol by the said Sheriff of the County of Columbia.

Duty of the
Albany Sheriff,
respecting Prison-
ers from Columbia.

C H A P. XXIX.

A N A C T to repeal certain Acts respecting Attornies, Solicitors, and Counsellors at Law; and also Part of the Act, entitled, *An Act for the Regulation of Sales by public Auction.* Passed the 6th of April, 1786.

Acts, suspending the Licence of Attornies, Solicitors, and Counsellors at Law, repealed.

I. B E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Act, entitled, "An Act making it necessary for the Attornies, Solicitors, and Counsellors at Law, who have been licenced to plead or practise in any of the Courts of Law or Equity within the late Colony of New-York, to produce Certificates of their Attachment to the Liberties and Independence of America;" and the Act, entitled, "An Act to amend an Act passed the Ninth Day of October, One Thousand Seven Hundred and Seventy-nine, relative to Attornies, Solicitors, and Counsellors at Law," shall be, and the same are hereby respectively repealed.

Proviso.

PROVIDED ALWAYS, That every Attorney, Solicitor, or Counsellor, the Suspension of whose Licence is hereby taken off, shall, previous to his being admitted to practice, prove to the Satisfaction of the Court of which he shall be admitted Attorney, Solicitor, or Counsellor, that he is of good moral Character, shall be licenced by such Court, and shall take the Oath of Abjuration and Allegiance, and an Oath for the faithful Execution of his Office.

Part of the Act for regulating Sales by public Auction repealed.

II. A N D be it further enacted by the Authority aforesaid, That so much of the Act, entitled, "An Act for the Regulation of Sales by public Auction, as requires a Person who shall make Application for Licence to Act as a Vendue-Master, to produce a certain Certificate in and by the said Act described, previous to the obtaining such Licence, shall be, and the same is hereby repealed.

C H A P. XXX.

A N A C T respecting the Terms of the Courts in the Counties of Queens, Ulster, Orange, Richmond, and Westchester. Passed the 6th of April, 1786.

Preamble.

W H E R E A S the Terms of the Inferior Courts of Common Pleas and General Sessions of the Peace in the Counties of Queens, Ulster, Orange, Richmond, and Westchester, are found to be insufficient for the Discharge of the necessary and encreasing Business in the said Courts: Therefore,

Three Terms of the Inferior Court to be held in the Counties of Queens, Orange, Richmond, and Westchester, every Year.

When to be held in Queen's County.

In Orange County.

In the County of Richmond.

In Westchester County.

I. B E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That there shall be three Terms of the Inferior Courts of Common Pleas, and general Sessions of the Peace in the said Counties of Queens, Orange, Richmond, and Westchester respectively in every Year. And that the Terms of the Inferior Court of Common Pleas, and of the General Sessions of the Peace in the County of Queens, shall hereafter commence on the First Monday in June, the Second Monday in November, and the First Monday in February, in every Year, and shall continue until the several Saturdays next following, inclusive. And the Terms of the Inferior Court of Common Pleas, and of the General Sessions of the Peace in the County of Orange, shall be held alternately at the Court-House in the New-City, and at the Court-House in Goshen; and shall, after the first Day of January next, commence on the Second Tuesdays in February, May, and October, in every Year, and shall continue until the several Saturdays next following, inclusive. The Terms of the Inferior Court of Common Pleas, and of the General Sessions of the Peace in the County of Richmond, shall hereafter commence on the First Monday in May, and the Fourth Mondays in September and January, in every Year, and shall continue until the several Saturdays next following respectively, inclusive. And the Terms of the Inferior Court of Common Pleas, and of the General Sessions of the Peace in the County of Westchester, shall hereafter commence on the Fourth Mondays in May, September, and January, in every Year, and shall continue until the several Saturdays next following, inclusive.

II.

II. And be it further enacted by the Authority aforesaid, That there shall be four Terms of the Inferior Court of Common Pleas, and two Terms of the Court of General Sessions of the Peace in the County of Ulster, in every Year; that one Court of Common Pleas, and a Court of General Sessions of the Peace for the said County, shall hereafter commence on the First Tuesday in May, and shall continue until the Saturday next following, inclusive: One Court of Common Pleas shall commence on the First Tuesday in January, and shall continue until the Saturday next following, inclusive: One other Court of Common Pleas, and a Court of General Sessions of the Peace, shall commence on the Third Tuesday in September, and shall continue until the Saturday next following, inclusive; and one other Court of Common Pleas shall commence on the First Tuesday in July, and shall continue until the Saturday next following, inclusive.

Four Terms of the Common Pleas, and two of the General Sessions of the Peace, to be held in Ulster County every Year.

III. And be it further enacted by the Authority aforesaid, That all Process issued out of the said respective Courts, and made returnable on the usual Return Days; and all Recognizances by which any Person or Persons shall be bound to appear on the usual Return Days, shall be deemed returnable, and are hereby respectively required to be returned on the first Day of the said Terms respectively, next succeeding the passing of this Act; and all Actions and Proceedings shall be, and hereby are continued until the first Day of the several last mentioned Terms.

Processes and Recognizances, how and when returnable into said Courts.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for each of the said Courts respectively, when they shall conceive the due Administration of Justice will admit thereof, to adjourn the said Courts respectively to the succeeding Term, on any Day preceding the last Day to which the Power of holding such of the said Courts is hereby extended as aforesaid: And all Process which shall be issued out of the said Courts respectively, in the succeeding Vacation, shall bear Test the Day on which the said respective Courts shall have adjourned.

Power given to the Courts to adjourn.

C H A P. XXXI.

AN ACT for compleating the Court-House and Gaol in the County of Dutchess.
Passed the 6th of April, 1786.

WHEREAS it is represented that the Sum directed to be raised in and by the Act, entitled, An Act for building a Court-House and Gaol in the County of Dutchess, and for other Purposes therein mentioned, is inadequate to compleat the said Court-House and Gaol: Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Supervisors of the several Precincts in the said County, for the Time being, shall be, and they are hereby authorized and required to direct to be raised and levied on the Freeholders and Inhabitants of the said County, a further Sum, not exceeding Two Thousand Pounds, for compleating the said Court-House and Gaol, with an additional Sum of Nine-Pence in the Pound for collecting the same; which said Sum shall be raised, levied and collected in the like Manner as the Sum of One Thousand Five Hundred Pounds is, in and by the before-recited Act, directed to be raised, levied, and collected.

to be raised to finish the Court-House.

II. And be it further enacted by the Authority aforesaid, That the Supervisors of the said County of Dutchess, shall meet for the Purpose of dividing the said Sum to be raised and levied by Virtue of this Act, at the Dwelling-House of Stephen Hendrickson of Poughkeepsie, in the said County, on the First Tuesday of May next; and it is hereby made the Duty of the Clerk of the Supervisors of the County, to notify the respective Supervisors of such Meeting; and that the said Sum shall be collected and paid into the Treasury of the said County, on or before the First Day of October next.

Supervisors when and where to meet to divide the said Sum, and when to be paid into the County Treasury.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Supervisors of the said County of Dutchess, at their first Meeting after the passing of this Act, to appoint one or more fit Person or Persons, which Person or Persons, when so appointed as aforesaid, shall superintend and direct the compleating the said Court-House and Gaol in the said County, in such Manner as to him

Supervisors to appoint Persons to Superintend the compleating the Court-House.

And the County Treasurer to pay to such Persons the Money raised for the Purpose.

Supervisors to contract for a Piece of Ground adjoining the Court-House.

County Treasurers Allowance for his Trouble.

or them shall appear most eligible, and consistent with Oeconomy, and the Advantage of the County, and shall and may contract with Workmen, purchase Materials, and employ an Overseer of such Workmen, and from Time to Time draw upon the Treasurer of the said County, for such Sums of Money, for the Purposes aforesaid, as shall be paid into the Treasury by Virtue of this Act. And the said Treasurer is hereby required, out of the Monies aforesaid, to pay to the Order of such Person or Persons so appointed as aforesaid; the several Sums to be by him or them drawn for. And it is hereby made the Duty of such Person or Persons so to be appointed as aforesaid, to account with the Supervisors of the said County, for the Monies by him or them received; when thereunto required.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Supervisors of the several Precincts in the said County, to contract for and take a Grant and Conveyance in their own Names, for the Use of the said County of Dutchess, of a small Piece or Parcel of Ground adjoining the said Court-House and Gaol, and now in the Possession of Ebenezer Badger, for the Purpose of enlarging the Yard to the said Court-House and Gaol: And the said Supervisors are hereby required to draw upon the Treasurer of the said County, for the Purchase-Money of the said Piece or Parcel of Land, to be paid out of the Monies received by the said Treasurer, by Virtue of this Act; and it is hereby made the Duty of the said Treasurer to pay the said Purchase-Money out of the Monies received by him as aforesaid.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Treasurer to retain in his own Hands, Six-Pence in the Pound for his Trouble in receiving and paying out the Monies directed to be raised by this Act, and the Act herein before recited.

C H A P. XXXII.

A N A C T to enforce the Payment of certain Monies assessed in Suffolk County.
Passed the 8th April, 1786.

Preamble.

Supervisors of Suffolk County to direct Collectors to collect from the Inhabitants Monies assessed on them during the late War, which remain unpaid.

Collectors how to collect and pay the same.

WHEREAS it hath been represented to the Legislature of this State, that during the late War, Assessments were made in many of the Towns in the County of Suffolk, for the Support of the Poor, and other contingent Expences, certain Proportions of which are still unpaid: Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Supervisors of the several Towns in the said County or the major Part of them, in every Case where such Assessments remain in the Whole or in Part unpaid, to deliver a Copy of such Assessment, together with their Warrant under their Hands and Seals, to the Collector of the Town in which such Assessment was made, requiring him to levy and collect the several Sums which shall appear to the said Supervisors to be due and unpaid by the several Persons in such Town, according to such Assessment, for the Support of the Poor, and other contingent Expences made as aforesaid, within such Town, during the late War: And the Collector shall proceed in levying and collecting the several Sums by him to be collected, in like Manner as it is directed in and by the Act, entitled, "An Act for the Settlement and Relief of the Poor," passed the Seventeenth Day of April, One Thousand Seven Hundred and Eighty Four, and shall pay the Monies so by him to be collected, into the Hands of the Overseers of the Poor of the Town to which he shall belong; and such Overseers of the Poor shall discharge the Debts for which such Assessments were originally made.

C H A P.

C H A P. XXXIII.

A N. A C T to compel Collectors and Constables to give Security. Passed the 13th March, 1786.

WHEREAS the Freeholders and Inhabitants of the Cities and Counties of this State, have sustained considerable Losses by the Insolvency and Misconduct of Collectors and Constables in the said Cities and Counties: For Remedy whereof,

Preamble:

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That every Collector hereafter to be chosen for any of the Wards in the City and County of New-York, immediately after he shall be elected, and before he shall enter upon the Business of the said Office of Collector, shall enter into Bond with sufficient Security, to the Mayor, Aldermen, and Commonalty of the said City, in such Sum as the said Mayor or Recorder, and any two Aldermen of the said City, for the Time being, shall think proper, well and faithfully to execute the Office of Collector of such Ward as he shall be so elected for, during the Time he shall continue to be Collector.

Collectors of the City and County of New-York, to enter into Bond to the Mayor and Aldermen.

II. And be it further enacted by the Authority aforesaid, That if the Collector of any of the respective Wards within the City and County of New-York, shall not comply with the Condition of the Bond or Obligation above directed to be given, whereby the Penalty of such Bond or Obligation shall be forfeited, in such Case it shall be lawful for the said Mayor, Aldermen, and Commonalty of the said City of New-York, to sue for and recover the same, with Costs of Suit, in any Court of Record within this State; and the Monies that shall be recovered in such Suit or Action, shall be applied towards making good any such Deficiency as shall happen by Reason or Means of the Neglect or Misconduct of such Collector.

Mayor and Aldermen to sue for the Penalty of any such Bond.

III. And be it further enacted by the Authority aforesaid, That every Collector hereafter to be chosen in each and every of the Towns, Manors, Precincts or Districts within this State, shall, previous to his collecting any and every Tax, enter into Bond or Obligation, with sufficient Security, to the Clerk of the Town, Manor, Precinct, or District, for the Time being, whereof he is elected Collector, in double the Sum to be by him collected, to be ascertained from the Tax-List delivered to such Collector by the Supervisor, Assessors, or Clerk, or any of them, well and faithfully to execute the Office of Collector of such respective Town, Manor, Precinct, or District, during the Time of his continuing to be Collector.

Collectors of the other Counties, before they enter on their Duties of their Office, to enter into Bond to the Clerk of the County.

IV. And be it further enacted by the Authority aforesaid, That if any Collector of any Town, Manor, Precinct or District, shall not comply with the Condition of the Bond or Bonds, Obligation or Obligations above directed to be given, whereby the Penalty of such Bonds or Obligations shall be forfeited; in such Case it shall and may be lawful for the Clerk of the same Town, Manor, Precinct or District, for the Time being, by the Name of the Clerk of such Town, Manor, Precinct or District, for the Time being, to sue for and recover the same, with Costs of Suit, in any Court of Record within this State; and the Monies that shall be recovered in any such Suit or Action shall be applied towards making good any Deficiencies that may happen by Reason or Means of the Neglect or Misconduct of such Collector.

Clerk of the County to sue for the Penalty of any such Bond, when forfeited.

V. And be it further enacted by the Authority aforesaid, That every Constable hereafter to be chosen in each respective Ward, Town, Manor, Precinct, or District, within this State (unless he shall make Oath before a Magistrate, at the Time of his being so chosen, that he was chosen against his Inclination) within eight Days after he shall be elected, and before he shall enter upon the Business of the said Office of Constable, shall enter into Bond or Obligation, with sufficient Security, in the Sum of One Hundred Pounds, well and faithfully to execute the Office of Constable of such respective City, Town, Manor, Precinct, or District, for which he shall be so chosen as aforesaid; which Bond, in the City of New-York, shall be given to the Mayor, Aldermen, and Commonalty; and in each of the other Counties of this State, to the Clerk of the Town, Manor, Precinct, or District, for which such Constable shall be chosen.

Constables before they exercise the Duties of their Office in the City of New-York to enter into a Bond, to the Mayor and Aldermen, and in the other Counties to the Clerk of the Town.

VI. And be it further enacted by the Authority aforesaid, That if any Constable hereafter to be chosen, shall not comply with the Condition of the Bond or Obligation above directed to be given, in such Case it shall and may be lawful for any Person or Persons aggrieved

In Case of Forfeiture of the Bond, it may be sued for.

grieved by the Misconduct or Negligence of such Constable or Constables, to cause a Suit to be commenced on such Bond, in any Court of Record within this State. And if the Defendant in any such Action or Actions so to be commenced, shall make Default; or if it shall appear that the said Constable hath been guilty of Neglect or Misconduct, Judgment shall be entered for the Penalty of such Bond, and a Writ shall thereupon issue, to enquire what Damages the Person or Persons at whose Instance such Suit shall be commenced hath sustained, and Execution shall issue for the Damages so found, with Costs; and such Damages so found, when recovered, shall be paid to the Person or Persons at whose Instance such Suit shall be prosecuted. And it shall and may be lawful for any other Person who may be aggrieved by the Negligence or Misconduct of such Constable, to cause a Writ of Scire Facias to be issued on such Judgment, and to recover his or her Damages, in the Manner aforesaid.

PROVIDED ALWAYS, That such Action or Actions be commenced within one Year from the Time that the Cause of such Action or Actions shall accrue.

Justices of the Peace, how to issue Process in Suits cognizable before them.

VII. And be it further enacted by the Authority aforesaid, That in all Suits and Matters cognizable before a Justice or Justices of the Peace, it shall be lawful for the Justice and Justices to issue Process to the Constable of any Ward, Town, Manor, Precinct, or District in the same City or County, any Law, Usage, or Custom to the Contrary notwithstanding.

C H A P. XXXIV.

A N A C T for the Relief of Insolvent Debtors. Passed 13th April, 1786.

Preamble.

WHEREAS insolvent Debtors, who, in order to obtain a general Discharge, are willing to deliver up all their Effects to their Creditors, are often prevented from doing it by a few of them, to the great Prejudice of the Rest, and to the Injury of Trade: Therefore,

Insolvent Debtors, with so many Creditors as will amount to 3-4ths of the Debts, may petition for Delivery of Debtor's Estate into the Hands of Trustees.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for any Debtor who now is, or hereafter shall be insolvent, in Conjunction with so many of his or her Creditors, or the Attorney or Attornies of such Creditors as have or shall have Debts owing to them by the said Debtor, amounting at least to Three-Fourths of all the Money owing by the said Debtor, whether the same be then due, or payable at some future Time or Times, in order to a general Discharge, to present a Petition to the Supreme Court, or in the Vacation to one or more of the Judges; or if the said Debtor be arrested, to the Court, or any one of the Judges of that Court out of which any Process against such Debtor issued, praying that the said Debtor's Estate may be delivered to one or more such Person or Persons as the said Petitioners, or a Majority of them, in Respect to their Demands on the said Debtor, shall nominate to receive and dispose of the same for the Use of all his or her Creditors.

Certain Creditors precluded, &c.

II. And be it further enacted by the Authority aforesaid, That no Person having any Mortgage, Judgment, or Assignment, or other Security, of or upon any Lands, Tenements, or Hereditaments, Goods or Chattels, or Thing or Things in Action whatsoever, either to him or her, or to any other Person in Trust for him or her, for securing the Payment of any Sum or Sums of Money from such Debtor, shall, for such Sum or Sums, become or be considered a Petitioner for the Relief of such Debtor, unless such Person shall, upon signing the Petition of such Debtor, add to his or her Name, subscribed to the same Petition, a Declaration in Writing, that he or she doth thereby relinquish and give up to the Assignee or Assignees to be appointed in Consequence of such Petition, such Mortgage, Judgment, Assignment, or other Security, for the Benefit of all the Creditors of such Debtor; and all such Mortgages, Judgments, Assignments, and Securities, so relinquished as aforesaid, and the Lands, Tenements, Hereditaments, Goods and Chattels, and Things, in Action so mortgaged or assigned, or affected by such Judgment, shall with the Residue of such Debtor's Estate,

Estate, vest in the Assignee or Assignees of such Debtor's Estate, for the Purposes aforesaid.

III. And be it further enacted by the Authority aforesaid, That every such Debtor, within four Days after the presenting such Petition, shall deliver in writing a full and true Account of all his or her Creditors, and the Monies owing to them respectively by the said Debtor, and also a full and true Inventory and Account of all the Estate, both real and personal, in Law and in Equity, of such Debtor; and of all Books, Vouchers, and Securities, relating to the same; and the said Judge or Judges shall thereupon administer to such Debtor an Oath or Affirmation to the following Effect:

The Debtor to deliver an Account of his Creditors, &c. &c.

I do solemnly swear, in the Presence of Almighty GOD, (or being of the People called Quakers, do sincerely and truly declare and affirm) that the Account now by me delivered, is a just and true Account of all my Creditors, and of the Monies owing by me, to the best of my Knowledge or Remembrance; and that the Inventory and Account now delivered by me, is a just and true Account of all my Estate, real and personal, both in Law and in Equity, either in Possession, Reversion, or Remainder; and that I have not, directly or indirectly, sold, leased, assigned, or otherwise disposed of, or made over, either in Trust for myself, or otherwise, except as set forth in the same Account, any Part of my Estate, real or personal, for my future Benefit, or in order to defraud my Creditors. So help me GOD.

Upon Oath.

Which Oath or Affirmation being taken by such Debtor, Notice shall be given by the Petitioners, to all the Creditors of such Debtor, by advertising the same in two or more of the public News-Papers, to shew Cause, if any they have, by such a Day as shall be appointed by the Court, or one or more of the Judges, why an Assignment of the said Debtor's Estate should not be made, and the Debtor discharged; at which Day, if no sufficient Cause to the Contrary appear, the Court, or any one or more of the Judges shall direct, a Grant or Assignment of all such Debtor's Estate, both in Law and Equity, to be made by such Debtor to the Person or Persons nominated by the Petitioners, or a Majority of them, in Respect to the Amount of their just Demands on the said Debtor; and upon such Debtor's producing a Certificate under the Hand and Seal, or the Hands and Seals of the Assignee or Assignees, executed in the Presence of two Witnesses, that such Debtor has granted, conveyed, assigned, and delivered, for the Use of his or her Creditors, all his or her Estate, real and personal, both in Law and Equity, except as herein after is mentioned, and all the Books, Vouchers, and Securities relating to the same, they shall discharge such Debtor, if in Prison, from his Imprisonment; which Discharge, or the Record thereof in the Minutes of the Court from whence the Process issued, shall be a sufficient Warrant to the Sheriff or Gaoler, for setting such Prisoner at large.

Petitioning Creditors to notify all the Creditors, to shew Cause, why an Assignment of the Debtor's Estate should not be made, &c.

Upon whose Certificate the Debtor is to be discharged.

IV. And be it further enacted by the Authority aforesaid, That every such Debtor who shall before the Delivery of such Petition, have become Bail in any Cause, on Account of which he has Reason to think Judgment may be had against him, and shall make Oath that at the Time he so became Bail, he had a clear Estate sufficient to answer any Demand that could with any Probability be made upon him as Bail, may add to the Account of the Creditors, and the Monies owing by him before directed to be given, an Account of the Manner of his becoming Bail, and annex such a Sum as he imagines he will be liable to pay on that Account, and then the Assignees shall reserve in their Hands, for the Space of one Year and a Half, such a Dividend as a Creditor for the like Sum would have a Right to receive; and after Judgment obtained against any such Debtor, the Person obtaining the same shall be considered in every Respect as another Creditor whose Debt was due before the Delivery of the Petition: But if, in the Space of one Year and an Half after the Petition is delivered, no Judgment shall be obtained against such Debtor; the Monies so reserved shall be divided among the other Creditors, in the same Manner as the Rest of such Debtor's Estate; and such Debtor shall be discharged from all Obligations as Bail, in the same Manner as if the Sum so annexed to the Account of his Creditors were paid: And if Judgment shall be obtained against such Debtor, as Bail for any Sum, within one Year and a Half after the Petition is delivered, and after the Division of the Produce of his or her Estate among his or her Creditors, and the said Debtor should have omitted either wholly or in Part to annex the said Sum to the Account delivered, the Person obtaining such Judgment

How the insolvent Debtor shall be relieved from certain Judgments on Account of his having become Bail in any Cause.

Persons obtaining such Judgments to be considered as Creditors, if Judgment be had in 1 1 2 Year after Delivery of the Petition.

And the Insolvent discharged from all Obligations as Bail.

ment shall recover against the said Debtor, either for the Whole or the Part omitted, as the Case shall happen to be, so much as the other Creditors of the said Debtor ought to have received for a like just Debt, and no more.

PROVIDED ALWAYS, That the Sum for which Judgment is obtained against such Debtor, being added to the Account of his or her Creditors, and of the Monies owing to them before directed to be given, the Debts owing by him or her to the petitioning Creditors shall still appear to have been Three Fourths of all that was owing by the said Debtor.

V. And be it further enacted by the Authority aforesaid, That all other Persons who have given Credit to such Debtor on a valuable Consideration, for any Sum of Money, or other Matter or Thing which is or shall not be due or payable at or before the Time of the Delivery of the Petition, shall and may be admitted and considered as Creditors whose Debts are then due, and shall receive a Dividend of such Debtor's Estate, in the same Proportion as the other Creditors, deducting thereout only a Rebate of Interest at the Rate of Seven per Cent. for what shall be received on such Debts, (unless such Debts shall be payable with Interest) to be computed from the actual Payment thereof, to the Time they would have become due.

VI. And be it further enacted by the Authority aforesaid, That such Assignee or Assignees shall have Power and Authority to dispose of all the real and personal Estate of such Debtor, which shall be assigned to him or them, or which ought, by Virtue of this Act, to be assigned to him or them, and to convert the same into Money, to execute good and sufficient Deeds for such real and personal Estate, to redeem all Mortgages and conditional Contracts, and satisfy all Judgments, and to recover in his or their own Name or Names, all such real and personal Estate of such Debtor, and all Deeds, Books of Accounts, and Papers respecting the same; and shall have full Power and Authority to refer to Arbitration, settle, compound, or agree with any Person indebted to such Debtor, in such Manner as shall from Time to Time appear to such Assignee or Assignees most advantageous to the Creditors of such Debtor; and shall, within the Space of one Year, proceed to make a Division of all the Money which shall come to his or their Hands, of such Estate, first giving three Months Notice of the Time and Place of making such Division, by advertising the same in two or more of the public News-Papers printed in this State; and if the Whole be not then settled, shall, within the Space of one Year thereafter, make a second Division of such Monies as may come to his or their Hands after the first Division, and so from Year to Year, until a final Settlement thereof, and a just and equal Division of the Whole be made.

VII. And be it further enacted by the Authority aforesaid, That the Assignees shall, at least one Month before a Division be made, appoint a Day, by advertising the same in two or more of the public News-Papers, for a general Meeting of all such Creditors as shall choose to attend, to examine and ascertain the Debts due to each Creditor; and in Case of any Controversy relating to such Debts, it shall be determined in the following Manner, THAT IS TO SAY, The Assignees shall nominate two Referees, not being Creditors of the Debtor, and the Creditor whose Debt is in Controversy shall nominate two others, and their Names shall be separately written on four Pieces of Paper, as nearly of the same Size as possible, which shall be rolled up in the same Manner, and put into a covered Box, and from thence one of the Assignees shall draw out three of the said Pieces of Paper, and the Persons whose Names are so drawn, shall finally settle such Controversy; and if any Referee so appointed, shall refuse, or be incapable of acting, in a reasonable Time, a new Choice shall be made in the same Manner; and in Case any such Creditor shall refuse to nominate Referees on his Part, the Assignees are hereby empowered to nominate them for him.

VIII. And be it further enacted by the Authority aforesaid, That the Assignee or Assignees shall, immediately after the Assignment, take an Oath or Affirmation to be administered by the Court, or any one of the Judges, well and faithfully to manage the Debtor's Estate, and keep and render a true Account of all that shall come to his or their Hands of the same, and for that Purpose shall keep regular Books of Accounts, to which every Creditor, at all reasonable Times, may have Recourse; and for the Care and Trouble incumbent on the Assignees, they shall be allowed out of the Debtor's

Proviso.
The Sum due by the Insolvent, as Bail, to make a Part of the 3-4ths of his Debts.

Creditors whose Debts were not due at Delivery of the Petition, to be considered as Creditors whose Debts are then due.

Power and Authority given to the Assignees

To sell real and personal Estate.

To refer to Arbitration.

In one Year, make a Division, and how.

The whole not settled, to make a second Division.

Assignees Duty, previous to any Division.

To advertise a general Meeting of the Creditors.

Controversies, relating to Debts, arising, how to be determined.

The Assignees Oath.

And Allowance for their Services.

or's Estate, such a Consideration as the Petitioners; or a major Part of them; shall agree and fix upon.

IX. And be it further enacted by the Authority aforesaid, That for the more full Discovery of the Estates of such Debtors, the Court, or any one of the Judges, at the Request of the Assignees, shall have full Power, and are hereby required to summon and examine on Oath or Affirmation, such Debtor or his Wife, and every other Person whatsoever, known or suspected to detain any Part of the said Debtor's Estate, or to be indebted to it; and in Case any Person, on such Summons, shall refuse to attend, having no reasonable Excuse, or shall refuse to be sworn, or if a Quaker, to affirm, then it shall and may be lawful for the said Court, or any of the Judges, to commit the Person so refusing, to Gaol, till he or she shall submit to be examined concerning what he, she, or they may know, relating to such Estate; and if any such Person or Persons shall wilfully and knowingly affirm or swear falsely, the Person or Persons so offending, shall be liable to the same Pains and Penalties as those are who are convicted of wilful and corrupt Perjury.

The Mode of discovering the Estates of Debtors:

Affirming or swearing falsely, punished as wilful and corrupt Perjury.

X. And be it further enacted by the Authority aforesaid, That no Suit in Equity shall be commenced by any Assignee, without the Consent of the Majority of the Petitioners, with Respect to the Amount of their Debts, as aforesaid, at a Meeting held for that Purpose. And if any Creditor shall neglect or refuse to give Notice of, and prove his or her Debt, within one Year and an Half after the Assignment and a Division of the whole Estate be made, such Creditor shall not be entitled to a Dividend, and the whole Money shall be divided by the Assignees among the other Creditors; but in Case the Whole of such Debtor's Estate shall not be divided and settled by the Time hereby appointed for the first Division, and such Creditor shall prove his Debt before the Time appointed for the second Division, then such Creditor shall, before a second Division be made among the other Creditors, have his first Dividend, or so much Money as he would have been entitled to on the first Division, had his Debt then been proved; but no Creditor shall be admitted to prove his Debt, in order to entitle himself to a Share in the Debtor's Estate, after the second Division, but shall, by this Act, be debarred from any Share thereof.

Suits in Equity not to be commenced without Consent of Majority of the Petitioners:

A Creditor neglecting to prove his Debts, within 1 1/2 Year after the Assignment, &c. not entitled to share in the first Dividend:

XI. And be it further enacted by the Authority aforesaid, That every such Debtor, having given up his Estate, and conformed in all Things to the Directions of this Act, shall be discharged from all Debts due at the Time of the Assignment, or contracted for before that Time, though payable afterwards; and if prosecuted for any such Debt or Contract may plead the general Issue, and give the special Matter in Evidence.

Insolvents complying with the Directions of this Act; are discharged from all Debts, &c.

XII. And be it further enacted by the Authority aforesaid, That in Case any such Debtor shall be guilty of Perjury, by concealing any Part of his or her Estate or Effects, or shall, after the Assignment of his or her Estate, by Virtue of this Act, receive any Debt or Debts due to him or her before, or he or she shall secret any Part of his or her Estate, or any Books or Writings relating thereto, with an Intent to defraud his or her Creditors, then, and in every such Case, the Discharge of the said Debtor, under this Act, shall be void, and his Person and Estate be subject to the Payment of all his former Debts, as well to his petitioning Creditors as others.

Insolvents swearing falsely, &c. &c. with Intent to Defraud Creditors.

Their Discharge to be void, &c.

XIII. And be it further enacted by the Authority aforesaid, That when any Debtor is arrested by Process out of the Supreme Court, and also by Process out of an Inferior Court, the Petition shall only be made to the Supreme Court, or one of the Judges thereof, in the Vacation.

When the Petition is to be made to the Supreme Court, &c.

PROVIDED ALWAYS, And be it further enacted by the Authority aforesaid, That all Costs of Suit, Prison and Gaol Fees, shall be first paid, and then deducting all such Costs, Charges, and Expences, as shall be necessarily laid out and expended by the Assignee or Assignees, together with their Commissions for their Care and Trouble therein, the Residue shall be divided equally among the Creditors, in which Division no Preference shall be given to Debts due by Specialty; but if there should be an Overplus, after all the Creditors are fully satisfied for all their just Demands, it shall be paid by the Assignees to the Debtor, his or her Executors or Administrators.

Proviso. Costs and Charges first paid. Residue to be divided among the Creditors.

XIV. And be it further enacted by the Authority aforesaid, That no such Debtor shall be discharged until every petitioning Creditor shall swear, or if of the People called Quakers, affirm, that the Sum annexed to his or her Name, in the Account exhibited

An Oath to be made by every petitioning Creditor, previous to the Discharge of their respective Insolvents.

Oath of the Attorney of any petitioning Creditor, being out of the State, previous to the Discharge of the Insolvent.

Proviso.

Persons sued by Virtue of this Act, to plead the General Issue, &c.

Insolvents allowed to retain Articles of Wearing Apparel and Bedding.

Preamble.

Samuel Jones and Richard Varick, to reduce the Statutes of Great-Britain, under Titles of Bills, &c.

exhibited by the Debtor, of all his Creditors, is justly due to him or her, or will become due to him or her, at some future Time, naming the Time when; and that he or she hath not received from such Debtor any Payment of Part of his or her Demand against such Debtor in Money, or by Sale, Conveyance, Assignment or Delivery of any Lands, Tenements, Hereditaments, Goods, Chattels, or any Thing or Things in Action, upon any express, or secret, or implied Contract, Promise, Engagement, Intent, Trust, or Confidence, that he or she should become a Petitioner for or in Behalf of such Debtor. And in Case such petitioning Creditor be out of this State, and petitions by Attorney; then, instead of the Oath or Affirmation of the Principal, it shall be sufficient if the Attorney who shall sign such Petition, swears, or if of the People called Quakers, affirms, that he verily believes that the Sum claimed by him for the Person or Persons for whom he acts is justly due to him, her, or them, or will become due to him, her, or them, at some future Time, naming the Time when; and that he the said Attorney hath not, and that he doth not know nor believe that the Person or Persons for whom he acts, hath or have received any Part of his, her, or their Demand in Money, or by Sale, Conveyance, Assignment, or Delivery of any Lands, Tenements, Hereditaments, Goods, Chattels, or any Thing or Things in Action, upon any express, or secret, or implied Contract, Promise, Engagement, Intent, Trust or Confidence, that such Attorney, or the Person or Persons for whom he acts should become a Petitioner or Petitioners for or in Behalf of such Debtor.

PROVIDED ALWAYS, That nothing in this Act contained shall be construed to deprive Landlords of the Right of distraining for or securing their Rents which by Law they had before the making of this Act.

XV. And be it further enacted by the Authority aforesaid, That if any Person be sued for any Matter or Thing done by Virtue of this Act, it shall be lawful for him to plead the general Issue, and give the special Matter in Evidence.

XVI. And be it further enacted by the Authority aforesaid, That the Court, Judge, or Judges, to whom the Petition of any insolvent Debtor or Debtors shall be presented, are hereby respectively authorized to allow every such Debtor to retain such Articles of wearing Apparel and Bedding, as in the Opinion of such Court, Judge, or Judges, shall be reasonable and necessary for the Family of such Debtor, and also the Arms and Accoutrements, if any there be mentioned in such Inventory, required by the Law for regulating the Militia, to be provided by every enroled Citizen.

C H A P. XXXV.

A N A C T for revising and digesting the Laws of this State. Passed the 15th of April, 1786.

WHEREAS by the Constitution of this State, it is declared, That such Parts of the Common Law of England, and of the Statute Laws of England and Great-Britain, and of the Acts of the Legislature of the Colony of New-York, as together did form the Law of the said Colony on the Nineteenth Day of April, in the Year of our Lord, One Thousand Seven Hundred and Seventy-five (except such Parts thereof as are by the said Constitution abrogated) shall be and continue the Law of this State, subject to such Alterations and Provisions as the Legislature of this State shall from Time to Time make, concerning the same. AND WHEREAS such of the said Statutes as have been generally supposed to extend to the late Colony, and to this State, are contained in a great Number of Volumes, and those Statutes, as well as the Acts of the Legislature of the late Colony, are conceived in a Stile and Language improper to appear in the Statute Books of this State: Therefore,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That Samuel Jones, and Richard Varick, Esquires, shall be, and hereby are authorized and appointed to collect, and reduce into proper Form, under certain Heads or Titles of Bills, all the said Statutes, and lay the same Bills before the Legislature of this State, from Time to Time, as they shall prepare the same; and that they the said Samuel Jones, and Richard Varick,

Varick, Esquires, also collect and reduce all the public Acts of the late Colony which yet remain in Force, into proper Form, under certain Heads or Titles of Bills, and lay the same Bills before the Legislature from Time to Time, as they shall prepare the same, that such of them as shall be approved of by the Legislature may be enacted into Laws of this State, to the Intent that when the same shall be completed, then, and from thenceforth, none of the Statutes of England, or of Great-Britain, shall operate, or be considered as Laws of this State.

II. And be it further enacted by the Authority aforesaid, That when all such of the said Statutes so to be collected and reduced into proper Forms as shall be enacted into Laws of this State; and all such Acts of the late Colony as shall by the Legislature be deemed proper, and shall be so enacted as aforesaid, then the said Samuel Jones, and Richard Varick, Esquires, shall collect, revise, and digest all the Laws of this State then in Force, passed by the Legislature thereof since the Revolution, and prepare the same for the Press, to be printed in so many Volumes as the said Samuel Jones, and Richard Varick, Esquires, shall deem proper; and they are hereby directed to cause to be inserted in the said Work, the Titles of all Acts that shall have been passed by the Legislature of this State, and to distribute each Act into one Chapter, and to subdivide each Act into Sections, and abstract the Substance of each Section on the Margin, and distinguish and note in the Margin, which of the said Acts were temporary, and whether expired, revived, or repealed, and when; and to examine and correct the Press, and to make an Index and Table to each Volume of all the principal Matters contained therein, alphabetically digested, with Reference to each Matter in every Act, Section, and Page; and to make References from one Act to another, where the Matter in one Act may have Relation to any principal Matter in another.

Said Statutes and Colony Laws being finished, said Jones and Varick, to revise the State Laws, and prepare them for, and correct the Press.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Samuel Jones, and Richard Varick, Esquires, to cause only the Titles of such Acts as shall not then be in Force, to be printed, noting on the Margin when such Act expired, or was repealed.

Acts not in force, Titles only to be printed.

IV. And be it further enacted by the Authority aforesaid, That the said Samuel Jones, and Richard Varick, Esquires, shall be, and they hereby are allowed the Space of Two Years to complete the said Work, and shall respectively be allowed for the same, at and after the Rate of Four Hundred Pounds for every Year.

Time allowed to complete the same, and their salary.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Samuel Jones, and Richard Varick, Esquires, and they are hereby authorized to cause the said Work to be printed on the best Paper, in large Folio, and with the usual Types for such Work; and to agree with a Printer to do the said Work, on such Terms, and for such Considerations as they may think fit. AND FURTHER, That such Printer shall deliver at least Three Hundred Copies of the said Work, completely bound in Calf-skin, to the Treasurer of this State, to be by him retained, subject to the future Order of the Legislature.

Three hundred copies to be printed and delivered to the State Treasurer.

VI. And be it further enacted by the Authority aforesaid, That when such Printer shall produce to the Treasurer of this State, a Certificate from the said Samuel Jones, and Richard Varick, Esquires, certifying that the Work undertaken by the said Printer, is faithfully performed, according to the Agreement made with such Printer, and specifying the Sum due to such Printer, according to such Agreement, it shall and may be lawful to and for the Treasurer of this State, to pay such Printer such Sum so due for the said Work, out of any Monies in the Treasury, not otherwise specially appropriated.

Printer how and when to be paid.

VII. And be it further enacted by the Authority aforesaid, That the said Samuel Jones, and Richard Varick, Esquires, shall and may, from Time to Time, have Access to, and be permitted to examine any of the Records, Books, or Papers, in any of the public Offices of this State, without Fee or Reward.

Said Jones and Varick to have free access to all public offices.

C H A P. XXXVI.

AN ACT to alter the Mode of making Assessments in Dutchess County.
Passed the 15th of April, 1786.

Parts of certain
Acts repealed.

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Sixth Section of an Act, entitled, An Act to divide Dutchess County into Precincts, and to repeal the Act therein mentioned; and the Act, entitled, An Act directing when the Supervisors and Assessors of Dutchess County shall meet, shall be, and hereby are repealed, so far forth as the same, or either of them, relate to the Meeting of the Assessors. And further, That it shall be lawful for the Assessors of the respective Precincts in the said County, to meet in the Precincts for which they are respectively elected Assessors, to make Assessments for raising the necessary and contingent Charges of the said County, apportioned to such Precinct, in the same Manner as the other Taxes in the same County are raised and levied.

C H A P. XXXVII.

AN ACT for the Relief of Henry Rutgers, and others. Passed the 15th Day of April, 1786.

Auditors appointed
to liquidate the
Accounts of Henry
Rutgers and others.

IN Compliance with an Act of the United States of America in Congress assembled, of the Second Day of June, One Thousand Seven Hundred and Eighty-five;

I. BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Auditors appointed to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, to settle with Henry Rutgers, late Deputy Muster-Master-General, and Muster-Master in the Army of the United States, Richard Lush, and Jacob John Lansing, late Deputy Muster-Masters in the said Army, by allowing them what their Arrears of Pay and Year's Advance was worth in Specie, at the Time they respectively became due, agreeable to the said Act of Congress, and grant to them Certificates for the same; which Certificates shall be received in Payment for Lands, and be paid in like Manner as Certificates granted to the Troops in the late Line of this State, in the said Army of the United States, for the Depreciation of their Pay, are received and paid.

C H A P. XXXVIII.

AN ACT to explain and amend an Act, entitled, "An Act to settle and finally establish the Line or Lines of Division between the Patents of Wawayanda and Cheescocks, in the County of Orange, passed the 17th March, 1785." Passed the 17th of April, 1786.

Preamble, respect-
ing difficulties that
arise to the Com-
missioners in settling
the accounts, thro'
their not knowing
the proprietors of
Wawayanda.

WHEREAS it was, in and by the said Act, enacted, That one Half Part of all Expences, Costs, and Charges that should accrue in fixing and ascertaining the said Line or Lines, or respecting the Execution of the Powers given by the said Act, should be paid by such of the said Proprietors of Wawayanda, as were interested in the Lands disputed between the said Patentee of Wawayanda and Cheescocks. **AND** WHEREAS a Committee was by the said Act appointed for the said Proprietors of Wawayanda, to manage their Claims to the said disputed Lands. **AND** WHEREAS the Commissioners who were to be elected by Virtue of the said Act, were authorized to audit all the Accounts against the said Proprietors of Wawayanda, and to adjudge and determine the particular Sum with which each of the said Proprietors of Wawayanda were chargeable towards the Payment of the said Accounts. **AND** WHEREAS the said Patent of Wawayanda has many Years ago been divided into thirteen original Rights, which

which formerly did belong to John Bridges, Lancaster Symes, John Cholwell, John Merrit, Cornelius Christianse, Dirck Van Den Bergh, Daniel Honan, Peter Matthews, Benjamin Ask, Hendrick Ten Eyck, Philip Rokebley, Christopher Denn, and Samuel Staats. And as it is not in the Power of the said Commissioners to determine who are the present Proprietors of the said thirteen original Rights, it is impossible to perform what is required of them in and by the said Act. Therefore,

I. Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the said Commissioners, or the major Part of them, after they shall have audited the said Accounts, shall divide the whole Amount of them into thirteen equal Parts, and each of the said original Rights shall be chargeable with one of those Parts. And in Case the Proprietors of the said thirteen original Rights, or any of them, shall refuse or neglect to pay their respective Proportions of the Money chargeable on the same, to the said Committee of Wawayanda, or one of them, at the Time to be appointed by the said Commissioners, or the major Part of them; it shall then be lawful for the said Committee, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors, to sell so much of the Lands, Tenements, and Hereditaments, in the ballotted Lots of such Proprietor or Proprietors whose Proportions of the said audited Accounts shall remain unpaid, as shall be necessary to pay his, her, or their respective Proportions of the Sum of Money chargeable on the original Right under which his, her, or their Title is derived, together with the Charges of such Sale; and every Sale of such Lands, Tenements, and Hereditaments, shall convey as good an Estate and Title to the Purchaser, as the Proprietor or Proprietors held in the same, at the Time of making such Sale.

Method of settling the accounts of Wawayanda patent, described.

Committees to advertise the proprietors to pay their proportions of the sums chargeable on the thirteen original rights.

II. And be it further enacted by the Authority aforesaid, That the said Committee, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors, shall advertise in one or more of the public News-papers of this State, the particular Sum of Money with which each of the said thirteen original Rights will be chargeable; and shall give Notice to the said Proprietors, to pay their respective Proportions of the said Sum, by a certain Day to be fixed as aforesaid, at the Distance of at least eight Weeks from the date of the said Advertisement, otherwise that so much of the Lands in the ballotted Lots belonging to such of the said Proprietors who shall neglect to pay their respective Proportions, will be sold at public Vendue, as will be necessary to discharge the said respective Proportions of such Defaulters, with the Charges attending the Sale. Which Vendue shall be held at the House of Jonathan Archer, near Sugar-Loaf, in the said County of Orange, on a Day also to be fixed by the said Commissioners, or the major Part of them, and mentioned in the said Advertisement; any Law to the Contrary notwithstanding.

Defaulters lands in Wawayanda how to be disposed of.

AND WHEREAS the Committee appointed to manage the Claims on the Part of the Proprietors of Cheescocks, have, by their Petition, prayed that the said Commissioners may be authorized and impowered to audit and settle all the Accounts of the Expences, Costs, and Charges that have accrued or arisen in the Management of the said Controversy, on the Part of the said Patent of Cheescocks. And whereas the said Patent of Cheescocks was many Years ago divided into seven original Rights, which did formerly belong to Anne Bridges, Hendrick Ten Eyck, Dirck Van Den Bergh, John Cholwell, Christopher Denn, Lancaster Symes, and John Merrit, being the original Grantees named in the said Letters Patent.

Preamble, respecting the accounts of the proprietors of Cheescocks patent.

III. Be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, shall and are hereby fully authorized and impowered to audit and settle all the said Accounts of the Costs, Charges, and Expences against the said Proprietors of Cheescocks, and shall allow Interest, if demanded, for every Sum of Money that hath been or may be advanced by the said Committee, or any one of them, in the Management of the said Controversy on the Part of the Proprietors of the said Patent of Cheescocks; and after the said Commissioners, or the major Part of them, shall have audited and settled the said Accounts; they, or the major Part of them, shall divide the whole Amount thereof into seven equal Parts; and that each of the said original Rights shall be chargeable with one seventh Part of the said whole Amount. And in Case the Proprietors of the said seven original Rights, or any of them, shall neglect

Method of settling the accounts against the proprietors of Cheescocks.

Each of the 7 original rights chargeable with an equal part of the expences.

How paid.

Committee to notify the sum with which each right is charged, and the sale of defaulters lands.

neglect or refuse to pay their respective Proportions of the Money chargeable on the same, to the said Committee of Cheesecocks, or one of them, at the Time to be appointed by the said Commissioners, or the major Part of them, it shall and may be lawful for the said Committee, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors, to sell so much of the Lands, Tenements and Hereditaments of such Proprietor or Proprietors, whose Proportion of the said audited Accounts shall remain unpaid, as shall be necessary to pay his, her, or their respective Proportions of the Sum of Money chargeable on the original Right, under which his, her, or their Title is derived, together with the Charges of such Sale; and every Sale of such Lands, Tenements, and Hereditaments, shall convey as good an Estate and Title to the Purchaser or Purchasers, as the Proprietor or Proprietors held in the same, at the Time of making such Sale.

IV. And be it further enacted by the Authority aforesaid, That the said Committee, or the major Part of them, or the Survivors or Survivor of them, or the major Part of such Survivors shall advertise in one or more of the public News-papers of this State, the particular Sum of Money with which each of the said seven original Rights will be chargeable, and shall give Notice to the said Proprietors to pay their respective Proportions of the said Sum, by a certain Day to be fixed as aforesaid, at the Distance of at least Eight Weeks from the Date of the said Advertisement, otherwise that so much of the Lands belonging to such of the said Proprietors who shall neglect to pay their respective Proportions, will be sold at public Vendue, as will be necessary to discharge the said respective Proportions of such Defaulters, with all the Charges attending the Sale; which Vendue shall be held at the House of Joseph Drake, at Chester, in the County of Orange, on a Day also to be fixed by the said Commissioners, or the major Part of them, and to be mentioned in the said Advertisements, any Law to the Contrary notwithstanding.

PROVIDD ALWAYS, That where any of the present or former Proprietors or Owners of any or either of the said Shares of the said Patent of Cheesecocks, have sold and conveyed any Part of the same Share to any Person or Persons in Severalty; then, and in such Case, no Part of such Land so sold and conveyed in Severalty, shall be sold by Virtue of this Act.

C H A P. XXXIX.

AN ACT to prevent the Destruction of Fish in the County of Suffolk.
Passed the 17th of April, 1786.

Preamble, respecting fishing in Suffolk county.

Persons fishing with seines or nets beyond a certain size, and between 1 Dec. and 1 April, to forfeit gol.

Penalty for transgressing this act.

WHEREAS the Fish in the Bays, Rivers, and Creeks in the County of Suffolk, are greatly diminished by Reason of the Inhabitants fishing with long Seins or Nets, in the Winter Season, to the great Damage of the Inhabitants of the said County, and of the Public in general: Therefore, to prevent the same for the Future,

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That if any Person or Persons, after the passing of this Act, shall draw any Sein or Net, of any Length whatever, or set any Sein or Net, more than Six Fathom in Length, or with Marshes less than Three Inches Square, from the first Day of December to the first Day of April, in any Year, in any of the Bays, Rivers, Creeks, or Waters in the said County; such Person or Persons shall, for every Offence, forfeit the Sum of Fifty Pounds, with Costs of Suit, to be recovered in any Court of Record within this State, by any Person or Persons who will sue for the same; the one Half of the Forfeiture, when recovered, to belong to the Prosecutor or Prosecutors, and the other Half to be paid to the Treasurer of the said County, to be disposed of by the Supervisors, towards defraying the public Expences of the said County.

II. Be it further enacted by the Authority aforesaid, That if any Person or Persons within the said County, shall be discovered to have in his or their Possession, any Quantity of Fish, or to have sold or disposed of any Quantity of Fish, from the first Day of December, to the first Day of April, such Person or Persons shall be deemed guilty,

guilty, and suffer the same Penalty as aforesaid, to be recovered and applied as above directed by this Act; unless such Person or Persons can bring sufficient Proof, that he or they became possessed of, or caught them otherwise than by such Seins or Nets as are prohibited by this Act.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall carry any Sein or Seins, Net or Nets, in any Fishing-Craft, in any of the Bays, Rivers, or Creeks in the said County, other than the short Seins or Nets above described, from the first Day of December to the first Day of April, in any Year, and shall be convicted thereof, such Person or Persons shall, for each Offence, forfeit the Sum of Five Pounds, to be recovered by any Person or Persons who will sue for the same, with Costs of Suit, before any of the Justices of the Peace of the said County, to be disposed of as the other Forfeitures by this Act are directed.

No prohibited seins or nets to be carried in fishing-craft, between 1st Dec. and April, on penalty of \$1.

C H A P. XL.

AN ACT for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned. Passed the 18th of April, 1786.

WHEREAS from the Distresses occasioned by the late calamitous War, the Inhabitants of this State labour under great Difficulties for Want of sufficient a circulating Medium :

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That Bills of Credit, to the Value of Two Hundred Thousand Pounds current Money of New-York, forthwith after the passing hereof, be printed as follows, (viz.) Six Thousand Bills, each of the Value of Ten Pounds; Four Thousand Bills, each of the Value of Five Pounds; Six Thousand Bills, each of the Value of Four Pounds; Ten Thousand Bills, each of the Value of Three Pounds; Ten Thousand Bills, each of the Value of Two Pounds; Twenty-four Thousand Bills, each of the Value of One Pound; Twenty Thousand Bills, each of the Value of Ten Shillings; and Forty-eight Thousand Bills, each of the Value of Five Shillings; Upon which Bills shall be impressed the Arms of the State of New-York, on the right Side of every of the said Bills, and the said Bills shall be in the Words following: By a Law of the State of New-York, this Bill shall be received in all Payments into the Treasury, for New-York, the Day of One Thousand Seven Hundred and Eighty-six. Which Bills shall be numbered by Evert Bancker, Henry Remsen, Jonathan Lawrence, John De Peyffer, and William Heyer, and signed by any two of them, and shall, by such Signers, be delivered to the Treasurer of this State.

200,000l. in bills of credit to be printed, of different denominations.

Form of the bills.

By whom numbered and signed.

II. And be it further enacted by the Authority aforesaid, That the said Signers are hereby directed and empowered, upon the Delivery to them of the said Bills, by the Printer thereof, to administer to him, and he is hereby directed to take an Oath in the Words following:

I do solemnly swear and declare, that from the Time the Letters were set and fit to be put in the Press for printing the Bills of Credit now delivered by me to you, until the Bills were printed, and the Letters afterwards distributed into the Boxes, I went at no Time out of the Room in which the said Letters were, without locking them up, so as they could not be come at without Violence, a false Key, or other Art unknown to me, and therefore, to the best of my Knowledge, no Copies were printed off but in my Presence; and that all the Blotters, and other Papers whatsoever, impressed by the said Letters, whilst set for printing the said Bills, to the best of my Knowledge, are here delivered to you, together with the Stamps; and in all Things relating to this Affair, I have well and truly demeaned myself according to the true Intent and Meaning of the Law in that Case made and provided, to the best of my Knowledge and Understanding. So help me GOD.

The Printer's oath.

Which Printer shall have a Copy of this Oath, at the Time he gets Order to print the said Bills, that he may govern himself accordingly.

A copy thereof to be delivered him.

PROVIDED

Unforeseen accidents excepted. **PROVIDED ALWAYS,** That if any unforeseen Accident happens, such Printer may have Liberty to make an Exception thereof in such Oath, declaring fully how such Accident happened. And if any more of the said Bills are printed than by this Act is directed, when the said Evert Bancker, Henry Remsen, Jonathan Lawrence, John De Peyster, and William Heyer, or any two of them, have signed the Number hereby directed to be issued, they shall immediately destroy all the Remainder.

Signers to destroy a remainder if any shall be.

Engraver to be employed to make Stamps.

How to be conveyed to the Treasurer, then by him to the Printer, and finally to be deposited in the Treasury.

Cases wherein the Signers shall appoint another Printer.

The Signer's oath.

The Treasurer to deliver the quotas to Loan-Officers.

New-York.

Albany.

Kings.

Queens.

Suffolk.

Richmond.

Westchester.

Dutchess.

Orange.

Ulster.

Montgomery.

Washington.

III. And be it enacted by the Authority aforesaid, That such Person as the major Part of the said Signers of the said Bills of Credit shall agree with, shall engrave, according to the Directions he shall receive from the Majority of the said Signers, so many Stamps for the sides of the said Bills, and for the Arms of this State, as the Majority of the said Signers shall deem necessary, and shall deliver them to the Treasurer, who shall, in the Presence of the Majority of the said Signers, deliver them unto Samuel Loudon, Printer, and take his Receipt for the same: And when the said Samuel Loudon has finished and completed printing the Bills hereby directed to be struck and issued, he shall re-deliver the said Stamps to the said Signers, who are hereby directed and required to seal them up with their several Seals, and to deliver them to the Treasurer, who shall deposit the same in the Treasury of this State, there to remain until they shall be ordered to be made Use of by any future Act of the Legislature; and the Receipt of the said Treasurer to the said Signers, shall be a sufficient Discharge for such Delivery; but in Case of the Death, Sickness, or Inability of the said Samuel Loudon, to print the said Bills, then the Majority of the said Signers shall appoint another Printer for the Service aforesaid, in his Place; which Printer, so appointed, shall take the Oath as above directed.

IV. And be it further enacted by the Authority aforesaid, That before the Signers do receive any of the said Bills, they shall (before any of the Magistrates of the City of New-York) respectively take an Oath, or (if of the People called Quakers) Affirmation, well and truly to perform what by this Act they are enjoined as their Duty; and that they will not knowingly sign more Bills of Credit than such as are directed by this Act.

V. And be it further enacted by the Authority aforesaid, That the said Treasurer shall, out of the Bills of Credit so signed and numbered as aforesaid, deliver to the Loan Officers herein after mentioned, on producing the Certificates of Qualifications herein after directed, the Sums and Quotas following, TO WIT,

To the Loan Officers of the County of New-York, to and for the Purposes herein after mentioned, the Sum of Thirty-two Thousand Pounds.

To the Loan-Officers of the County of Albany, to and for the Purposes herein after mentioned, the Sum of Twenty-two Thousand Pounds.

To the Loan Officers of Kings County, to and for the Purposes herein after mentioned, the Sum of Four Thousand Five Hundred Pounds.

To the Loan Officers of Queens County, to and for the Purposes herein after mentioned, the Sum of Eleven Thousand Five Hundred Pounds.

To the Loan Officers of Suffolk County, to and for the Purposes herein after mentioned, the Sum of Ten Thousand Pounds.

To the Loan Officers of Richmond County, to and for the Purposes herein after mentioned, the Sum of Four Thousand Five Hundred Pounds.

To the Loan Officers of Westchester County, to and for the Purposes herein after mentioned, the Sum of Nine Thousand Five Hundred Pounds.

To the Loan Officers of Dutchess County, to and for the Purposes herein after mentioned, the Sum of Seventeen Thousand Pounds.

To the Loan Officers of Orange County, to and for the Purposes herein after mentioned, the Sum of Ten Thousand Pounds.

To the Loan Officers of Ulster County, to and for the Purposes herein after mentioned, the Sum of Fourteen Thousand Pounds.

To the Loan Officers of Montgomery County, to and for the Purposes herein after mentioned, the Sum of Twelve Thousand Pounds.

To the Loan Officers of the County of Washington, to and for the Purposes herein after mentioned, the Sum of Three Thousand Pounds.

For

For which respective Sums the said Loan Officers respectively shall give Receipts to the said Treasurer, indorsed on the Clerk's Certificate herein after directed : which Receipts shall be to the said Treasurer, his Executors and Administrators, a sufficient Discharge, if otherwise he has well and truly performed the Duty enjoined by this Act.

Loan-Officers to give receipts to the Treasurer.

VI. And be it further enacted by the Authority aforesaid, That before the said Loan Officers do respectively enter upon their said Office, every of them shall give Bond to the People of the State of New-York, with such sufficient Security as shall be approved of by one or more of the Judges of the Inferior Court of the County, together with a Majority of the Supervisors of the same County, and in the City of New-York, by any one or more of the Judges of the Supreme Court, signified by signing such his or their Approbation on the Back of the said Bond, which Bond shall be in the full Sum by this Act committed to his Charge, with Condition for the true and faithful Performance of his Office and Duty, and that without Favor, Malice, or Partiality.

Loan-Officers to give bonds for their fidelity in Office.

VII. And be it further enacted by the Authority aforesaid, That each Loan Officer respectively shall take the following Oath, or if of the People called Quakers, Affirmation, (viz.)

Loan-Officer's oath.

"I will, according to my best Skill and Knowledge, faithfully, impartially and truly demean myself in Discharge of the Trust committed to me as one of the Loan Officers for the of by the Act, entitled, " An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned," according to the Purport, true Intent, and Meaning of the said Act, so as the Public may not be prejudiced by my Consent, Privity, or Procurement."

Which Oath or Affirmation shall be administered by any Justice of the Peace, and indorsed on the Back of the said Bond, and signed by such Justice and the Loan Officer.

VIII. And be it further enacted by the Authority aforesaid, That the aforesaid Bond, indorsed with the Approbation and Affidavit or Affirmation aforesaid, shall be lodged with the Clerk of the County, who, upon Receipt thereof, shall give the Loan Officer a Certificate that such Bond, indorsed as aforesaid, is lodged with him ; which Certificate shall be delivered to the said Treasurer, on his delivering to the Loan Officer the Bills of Credit aforesaid : Which Bond and Indorsements shall be recorded by the Clerk ; and in Case of the Forfeiture of the same Bond, the Majority of the Supervisors, with any one or more of the Judges of the Inferior Court of such County, are hereby empowered to order the same to be put in Suit, and the Monies recovered by Virtue thereof, shall be applied to the Use of the County.

Loan-Officer's bonds and endorsements to be recorded by the Clerk of the Countier.

IX. And be it further enacted by the Authority aforesaid, That on the second Tuesday in May next, the Judges of the Inferior Courts, or any one or more of them, together with the Supervisors (or the Majority of them) of the several Counties respectively of this State, shall meet at the Court-House of the Counties respectively, or if there be no Court-House in any County, at the Place at which the Inferior Court of Common Pleas has been held the Term next preceeding the passing this Act ; at which Place the Majority of them shall elect two sufficient Freeholders of their respective Counties, to be Loan Officers for the same County, except in the County of Orange, in which County such Meeting shall be at the Court-House in the New City.

The time and mode of electing the Loan-Officers.

X. And be it further enacted by the Authority aforesaid, That the Loan Officers of the several Counties, when elected, appointed, and qualified according to the Directions of this Act, shall respectively be Bodies Politic and Corporate, in Fact and in Law, by the Name and Stile of the Loan Officers of the County of which they are respectively Loan Officers, with full Power to every the said Bodies Politic, to use a common Seal, and by the same Seal, and in the Name of such Body Politic, to grant Receipts, receive Mortgages, and again to grant the same, to sue and be sued, and generally with all such Powers as are necessary to be used for the due Execution of the Trust reposed in the said Loan Officers by this Act ; any Law, Usage, or Custom to the Contrary in any Wise notwithstanding.

Loan-Officers to be bodies politic and Corporate.

Their Powers.

XI. And be it further enacted by the Authority aforesaid, That when the said Loan Officers respectively have qualified themselves, as by this Act is directed, they shall receive the said Bills of Credit, signed by two of the said Signers ; which Bills of Credit,

Loan-Officers receiving the bills, to let them out on certain conditions.

When borrowers shall apply.

Preference given to priority of application.

Proviso.

Loan Officers to ascertain the value of the intended mortgages,

and to administer oaths to borrowers.

Borrowers qualified to receive the bills at 5 per cent. per annum for 14 years, from 3d Tuesday in June next.

Not more than 500l. nor less than 20l. to each.

Security to be double the value in lands, &c. and treble the value in houses.

Mortgages how to be executed—and minuted in a book, the borrower paying 4s.

Mortgage and minute to be matter of record.

Office Copy to be evidence in the Courts.

Interest payable yearly.

Credit, so signed, shall be let out to such as shall apply for the same, and can and will give Security to the said Loan Officers, by Mortgage on Lands, Lots, or Houses, lying in the same County; they the said Loan Officers first giving public Notice (as in other Cases is by this Act directed for Notices) and by Advertisement to be published in one of the News-papers printed in this State, that on a certain Day, at least Ten Days after the said Notice given, they will be ready to receive Borrowers qualified according to the Directions of this Act. And as on that Day Borrowers do offer, their Names, and Sums they apply for, shall be orderly entered in the Minute-Book of Proceedings; and every one shall be served according to the Priority of Application, if there be no reasonable Objections against the Title and Value of the Lands offered to be mortgaged, or some other sufficient Reason, which shall be entered also in the Minute-Book of Proceedings.

PROVIDED ALWAYS, That if, upon the first Day, so many Borrowers do offer, as to apply for a greater Sum than the whole Sum in that County to be lent out; then, and in such Case, every such Borrower shall be abated of the Sum applied for, proportionably.

XII. And be it further enacted by the Authority aforesaid, That the said Loan Officers respectively, before they accept of any Lands, Lots, or Houses, in Mortgage for any of the said Bills, shall first view what is so offered in Mortgage, or make due Enquiry respecting the Value thereof, and shall examine the Titles thereto, by perusing the Deeds, Patents, Surveys, and other Writings and Conveyances by which the same are held, and by which the Value and Quantity may be better known; and the said Loan Officers respectively are hereby empowered and required to administer to all Persons applying for any of the Bills as aforesaid, the following Oath or (if of the People called Quakers) Affirmation, TO WIT,

"I am bona fide seized, in Fee Simple, of the Lands, Tenements, and Hereditaments by me now offered to be mortgaged, in my own Right, and to my own Use, and the same were not conveyed to me in Trust, to borrow any Sum or Sums of Money upon the same, for the Use of any other Person or Persons whatsoever; and the said Premises are free and clear from any other or former Gift, Grant, Sale, Mortgage, Judgment, Extent, Recognizance, or other Incumbrance whatsoever, to my Knowledge."

XIII. And be it further enacted by the Authority aforesaid, That the Loan Officers of the said Counties respectively, upon finding Borrowers qualified, and the Loan Officers being satisfied as aforesaid, are hereby required, and by Virtue of this Act have full Power to lend out the Bills delivered to them as aforesaid, at the Interest of Five per Cent. per Annum, for the Term of Fourteen Years from the Third Tuesday in June next to come, in Sums not exceeding Three Hundred, and not under Twenty Pounds, (unless the Proportion as aforesaid be less) to any one Person, the said Loan Officers taking Security for the same by Way of Mortgage as aforesaid, of at least double the Value in Lands, Tenements and Hereditaments, and of at least three Times the Value in Houses within the said respective Counties, and administering an Oath or Affirmation to the Borrower as aforesaid; and the said Mortgage shall be executed before two or more Witnesses signing thereto, and the Substance thereof shall be minuted in a Book to be by the said Loan Officers kept for that Purpose in each respective County, for the making of which Mortgage and Minute the Borrower shall pay to the said Loan Officers the Sum of Four Shillings, and no more; which Mortgage and Minute shall be, and each of them are hereby declared to be Matter of Record, and an attested Copy of the said Mortgage, if in Being, or of the said Minute in Case the said Mortgage is lost, under the Hands of the said Loan Officers, and the Seal of the Loan Office, shall be good Evidence of the said Mortgage, in any Court within this State.

XIV. And be it further enacted by the Authority aforesaid, That the Interest of the Money lent out as aforesaid, shall be payable yearly on the Third Tuesday of June, to the Loan Officers; and the Principals of all the Monies lent out as aforesaid, shall be paid in again in the following Manner, THAT IS TO SAY, One Tenth Part of the Principal Money on the Third Tuesday of June which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-one; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand

Thousand Seven Hundred and Ninety-two; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-three; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-four; one other Tenth Part thereof, on the third Tuesday of June, which will be in the Year of our Lord, One Thousand seven Hundred and Ninety-five; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-six; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-seven; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand seven Hundred and Ninety-eight; one other Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-nine; and the remaining Tenth Part thereof, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Eight Hundred. And the respective Loan Officers, at the lending the Money, are hereby required to take the Security for the same accordingly; and the said Loan Officers, for every Sum paid to them, shall give to the Person paying the same a Receipt, and shall enter one Minute of the same Payment on the Book of the Mortgage, and another Minute thereof in the Books of Accounts by them to be kept, and that without any Fee or Reward; but if the Borrower, his Heirs, Executors, or Administrators shall see Cause to pay in a Fourth or Half Part, or Three Quarters, or the Whole of the Principal due, to the said Loan Officers, on any Third Tuesday of June before the said Third Tuesday of June, One Thousand Eight Hundred, the said Loan Officers are hereby required and empowered to receive the same on the said Third Tuesday of June annually, and no other Day of the Year, unless so many do offer Payment on that Day that the said Loan Officers cannot within the Day receive the Whole, and in that Case they are to continue to receive until all who on that Day offered have paid the Monies so offered; or unless he brings along with him another sufficient Borrower to give new Security, to the Satisfaction of the Loan Officers, for the whole of the Money by him paid in; and in that Case the Loan Officer shall accept thereof on any of their stated Days of Meeting; and when the whole Principal and Interest is paid, the said Loan Officers shall (if required) give the Party paying, a Release of the Mortgage given by the Borrower, and shall tear off the Name and Seal, and make an Entry in the Margin of the Mortgage, and in the Margin of the Minute made thereof, that on such a Day and Year, such Release was made; for which Release the Releasee shall pay the Sum of Two Shillings, and no more; and when any Parts of the Principal are paid in as aforesaid before the said Third Tuesday of June, One Thousand Eight Hundred, the Loan Officers shall, at the End of that Meeting, compute the Whole of the Principal so paid in, and give public Notice of the Amount thereof, by Advertisements set up, and that they are ready to lend the said Monies to such Persons as shall appear to be qualified according to the Directions of this Act to borrow the same; and in the lending and taking Security, shall conform themselves (as near as the Circumstances of the Case can admit) to the Directions herein before prescribed; and if any Monies shall remain in their Hands for Want of Borrowers, they shall set up Advertisements of the Amount thereof, and continue to do the Like at the End of every of their stated Meetings.

XV. And be it further enacted by the Authority aforesaid, That in Case any Loan Officer shall remove out of the County, die, or neglect or refuse to perform the Duty required or enjoined him by this Act, or shall behave himself in his Office with Favor, Affection, Partiality, or Malice, whereby the Public or any private Person may be injured; upon Report or Complaint made thereof, to any two or more of the Judges aforesaid of the County for which he is Loan Officer, the said Judges are hereby required and commanded by Summons to convene the Judges and Supervisors of the same County, to meet at such Time and Place as in the said Precept shall be appointed, to hear and determine summarily upon the said Report or Complaint; and upon sufficient Proof made to any one or more of the said Judges, with a major Part of the said Supervisors, of any Death, Removal, Neglect, or Refusal in the said Office as aforesaid, then, and in that Case, the said Majority of the Supervisors, with Concurrence of one

How the principal shall be paid in.

Loan-Officers how to take securities.

Give receipts for monies received, endorse the mortgages, and make entries in their Books of accounts, gratis.

One fourth, one half, or three fourths of the principal offered in payment, when the Loan-Officer shall receive the same.

Whole of the principal and interest being paid, the Loan-Officer to release the mortgage given in security, &c.

Releasee paying 2s.

Monies paid out before 1800, the Loan-Officers to advertise and lend out again.

Monies remaining in the Loan-Office to be advertised, &c. at the end of every stated meeting.

Loan-Officers dying, or neglecting to do their duty, on misbehaving how others are to be elected in their room.

or more of the Judges aforesaid, shall proceed in Manner as herein before directed, to elect, and are hereby required and commanded to elect a Loan Officer in the Room and Stead of such deceased or absent Person, or such Person who shall have neglected or refused as aforesaid; which Loan Officer so elected as aforesaid, having entered into Bond, and been qualified in like Manner as other Loan Officers are by this Act directed, shall then have all the Powers, Privileges, and Advantages, and shall be subject to all the Penalties and forfeitures which any of the Loan Officers of the County as aforesaid are vested or charged with, entitled, or subject to, by Virtue of this Act.

How Loan-Officers desiring a discharge from their office shall obtain it,

and others to be elected in their stead.

The former Loan Officer to deliver on oath to his successor all monies, books and papers that were in his custody belonging to his office or forfeit his bond.

Mortgagors not paying the interest and part principal as required, to be foreclosed and barred of all equity of redemption.

Times of Loan-Officers attendance.

The lands in foreclosed mortgages are to be advertised for sale at Vendue on the 3d Tuesday in September, &c.

XVI. *And be it further enacted by the Authority aforesaid,* That if any of the Loan Officers hereafter to be elected, shall desire to be discharged of and from the said Office, any one or more of the Judges aforesaid shall and may, upon the Application of such Loan Officer for that Purpose, issue his or their Precept to summon the Judges aforesaid, and Supervisors, to meet at a Day and Place in the said Precept mentioned, to whom, when met, the said Loan Officer shall produce or render an Account of his Proceedings in his said Office; and if it appear, upon Examination, to a Majority of the said Judges and Supervisors, that the said Loan Officer hath faithfully demeaned himself in the Discharge of his said Office, according to the true Intent and Meaning of this Act; then, and in such Case, such Loan Officer shall be discharged of and from his said Office, and another fit Person shall be by them elected to supply his Place, who shall take the same Oath or Affirmation, give the like Security, be subject to the like Penalties, Restrictions, and Regulations, and receive the same Salaries and Advantages as the other Loan Officers for that County, by Virtue of this Act are liable, subject, or intitled unto.

XVII. *And be it further enacted by the Authority aforesaid,* That when a Loan Officer shall be chosen and qualified as herein is directed, in the Place of a former Loan Officer, such former Loan Officer, his Executors or Administrators shall, upon Demand, deliver to the new Loan Officer chosen in his Place, and qualified as aforesaid, all the Monies, Books, and Papers, that were in such former Loan Officer's Custody, belonging to his Office, upon Oath, or if of the People called Quakers, on Affirmation, before any Justice of the Peace; and in Case any such former, Loan Officer or his Executors or Administrators, shall delay or refuse to make such Delivery on Oath or Affirmation, when demanded, as aforesaid, the Bond of such former Loan Officer shall be forfeited.

XVIII. *And be it further enacted by the Authority aforesaid,* That if any Borrower shall neglect to bring in and pay, or cause to be brought in and paid yearly, and every Year, on the Third Tuesday in June, or within Twenty-two days thereafter, on one of the Days which the Loan Officers aforesaid are by this Act directed to attend the respective Loan Offices, the yearly Interest due by his Mortgage, and also the Part of the Principal, as it becomes payable; then, and in either of these Cases, the Loan Officers to whom such Mortgage was granted, shall be seized of an absolute, indefeazible Estate in the Lands, Houses, Tenements, and Hereditaments thereby mortgaged to them, their Successors and Assigns, to the Uses in this Act mentioned; and the Mortgagor, his or her Heirs and Assigns, shall be utterly foreclosed, and barred of all Equity of Redemption of the mortgaged Premises; any Law, Usage, or Custom or Practice in Courts of Equity to the Contrary notwithstanding.

XIX. *And be it further enacted by the Authority aforesaid,* That the Loan Officers shall respectively attend the Loan Office every Year, to receive the Monies by this Act directed to be paid to them upon the Third Tuesday of June, and thereafter on the Tuesday in each Week, for the Term of Three Weeks.

XX. *And be it further enacted by the Authority aforesaid,* That the Loan Officers shall, within Eight Days after the last of the Tuesdays aforesaid yearly and every Year, cause Advertisements to be fixed at not less than three of the most public Places in three or more Towns, Precincts, or Districts of the County where the Premises are situated, describing the Quantity and Situation of the Lands mentioned in the said Mortgage, and giving Notice, that on the Third Tuesday in September, in the same Year, they are to be sold at the Court-House of the respective Counties where the Lands lie, by Way of Public Vendue, to the highest Bidder.

XXI. *And be it further enacted by the Authority aforesaid,* That the Loan Officers of

of the respective Counties aforesaid shall, on the said Third Tuesday of September yearly, expose the Lands in the Mortgages foreclosed as aforesaid, to Sale at public Vendue; and upon such Sale, shall convey the said Lands to the highest Bidder or Bidders; and the Purchaser or Purchasers shall and may hold and enjoy the same Lands for such Estate as was conveyed to the said Loan Officers, by the Mortgage executed by such Mortgagor, clearly discharged and freed from all Benefit and Equity of Redemption, and all other Incumbrances made and suffered after the Execution of such Mortgage by the Mortgagor, his or her Heirs or Assigns; and such Purchaser or Purchasers shall pay the Loan Officers for drawing and executing such Conveyance, the Sum of Five Shillings.

Loan-Officers to give conveyances to the highest bidders.

XXII. And be it further enacted by the Authority aforesaid, That the Money for which the Premises are sold, shall, upon the Sale thereof, be paid to the said Loan Officers, out of which they shall retain in their Hands the Amount of the Principal then due, together with the Interest which would have been due thereon on the Third Tuesday of June next thereafter, if such Sale had not been made, as also the Expence of the Advertisements, and of the Sale, such Expence not exceeding Fifteen Shillings; and the Remainder (if any be) the Loan Officers shall pay to the Mortgagor, his or her Heirs or Assigns.

Loan-Officers to receive the amount of the sales, retaining principal and interest to the 3d Tuesday in June next, and expences, and returning the remainder.

PROVIDED ALWAYS, That if any Person or Persons offer, at the Time of the Sale, to borrow (on sufficient Security within this Act) the whole Principal that is to be retained out of the Price, and lent out again, then, and in that Case, the Loan Officers shall not retain Interest beyond the Day of Sale. PROVIDED ALSO, That if the Purchaser incline to borrow the principal Sum or Sums that is or are to be paid by him and lent out again, and if the Loan Officers be satisfied with the Security to be given by such Purchaser, in Manner aforesaid; such Purchaser shall be preferred to any other Borrower. PROVIDED LIKEWISE, That the Loan Officers shall not be obliged to take Notice of any Assigns of the Mortgagor, unless they enter a Notice of their Right with the said Loan Officers, at or before the Time of Sale; which Notice the Loan Officers shall enter on the Mortgage and Minute thereof, on Demand, the Assignee paying One Shilling for the same; and Assignees shall be preferred according to the Priority of their Entries of such Notices.

Proviso.

Purchasers inclining to borrow to be preferred.

Proviso.

XXIII. And be it further enacted by the Authority aforesaid, That after any Lands, Houses, Tenements, or Hereditaments, are mortgaged according to the Directions of this Act, if it shall appear to the Loan Officers, upon good and sufficient Grounds (which they shall insert in the Minute Book of their Proceedings) that the Mortgagor had no good Right or Title to the Premises mortgaged, or has otherwise broken the Covenant of his Mortgage, so that the Public may be in Danger of losing the Monies, or any Part thereof, advanced in Loan upon the Credit of the Premises, it shall and may be lawful to and for the said Loan Officers, and they are hereby empowered and required to commence an Action or Actions of Debt or Covenant upon the said Mortgage, against the said Mortgagor, his or her Heirs, Executors or Administrators, and the same to prosecute to Judgment, by all lawful Ways and Means whatsoever, in any Court of Record, for the Recovery of the whole Monies lent upon the Mortgage, and the Interest become due, and that shall become due, until the Third Tuesday of June next following the Judgment, with Costs and Charges; in which Action or Actions the Mortgagor shall be held to special Bail; and the Court in which such Action is brought is, and the Judges thereof in Vacation, are hereby authorized and directed to give such short Day for the Rules of pleading thereon, that Judgment or a Trial and final Determination may be had the first Court after the Court at which the Defendant first appeared to the same Action.

Fraudulent mortgagors to be prosecuted by the Loan-Officers, &c.

XXIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall presume to counterfeit any of the Bills of Credit to be issued by Virtue of this Act; or shall alter any of the said Bills issued as aforesaid, so that they shall appear to be of greater Value than by this Act the same Bill or Bills so altered, were enacted, signed, or numbered to pass for; or shall knowingly pass, or give in Payment, any of the Bills aforesaid so counterfeited or altered; every Person guilty of counterfeiting or altering any of the said Bills as aforesaid, or of knowingly passing, or giving in Payment, any such counterfeit or altered Bill or Bills, shall be guilty

Persons who shall counterfeit or alter any of the bills of credit to a greater value, &c. guilty of Felony, &c. and forfeit all their Estates, &c.

Indictment for
counterfeiting, &c.
done out of the
State declared good.

How the Petit
Jurors shall be re-
turned.

Where the Loan-
Officers are to be
kept.

Loan-Officers to
advertise on their
receiving the bills
of credit, &c. &c.

Loan-Officers to
retain their salaries
out of the interest
monies, and pay the
remainder annually
to the Treasurer,
before the last Tues-
day in August.

Salaries of the fe-
veral Loan-Officers.

Mortgages, mi-
nutes and accounts
of Loan-Officers to
be inspected yearly.

Loan Officers de-
linquent, others to
be elected in their
stead.

guilty of Felony, and being thereof convicted, shall forfeit all his or her Estate, both real and personal, to the People of this State, and be committed to the Bridewell of the City of New-York for Life, and there confined to hard Labour, under the Direction of the Corporation of the said City, at the Expence (if any should arise) of this State; and to prevent Escape, shall be branded on the left Cheek with the Letter C, with a red hot Iron. And though such counterfeiting, altering, or knowingly passing counterfeit or altered Bills, shall be done out of this State, yet any Grand Jury within this State is hereby empowered to present the same, and to set forth in the Indictment the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithstanding that the Place alledged be out of this State. And the Petit Jurors, on the Trial of all such foreign Issues, shall be returned from the Body of the County where the said Supreme Court shall be statedly held; any Law, Usage, or Custom to the Contrary notwithstanding.

XXV. And be it enacted by the Authority aforesaid, That the respective Loan Offices in this State, shall be kept at the Court-House of each respective County, or at some other convenient Place near the same, except that the Loan Officers for the County of Orange shall meet alternately at Goshen, and at the New City, in the said County, and their first Meeting to be at the Court-House in Goshen; and the said Loan Officers shall, so soon as the said Bills are signed and delivered to them, set up Advertisements of the first Day of their attending the Loan Office for the Purposes herein before mentioned, and shall duly attend the same on that first Day, and on every Tuesday and Wednesday in each Week, for the Space of Four Weeks thereafter, if there be Occasion for their sitting so long; and the said Treasurer, so soon as he can fix the Day upon which he can deliver the said Bills to the Loan Officers, shall send Notice by Letter to them to come and receive the Bills at that Day.

XXVI. And be it further enacted by the Authority aforesaid, That the Loan Officers respectively shall retain in their Hands so much of the Interest Monies paid in to them, as will pay them their respective Salaries appointed by this Act, any Thing in this Act to the Contrary notwithstanding; and the Remainder of the said Interest Monies shall be annually paid to the Treasurer of this State on or before the last Tuesday of the Month of August; and the said Treasurer's Receipt shall be to the said Loan Officers, and every of them, their Heirs, Executors, and Administrators, a sufficient Discharge.

XXVII. And be it further enacted by the Authority aforesaid, That the yearly Salary of the Loan Officers aforesaid, for the Services required of them by this Act, shall be as follows, TO WIT.

For every of the Loan Officers of the County of New-York,	-	Forty Pounds.
For every of the Loan Officers of the County of Albany,	-	Thirty Pounds.
For every of the Loan Officers of Kings County,	-	Ten Pounds.
For every of the Loan Officers of Queens County,	-	Sixteen Pounds.
For every of the Loan Officers of Suffolk County,	-	Fifteen Pounds.
For every of the Loan Officers of Richmond County,	-	Ten Pounds.
For every of the Loan Officers of Westchester County,	-	Fifteen Pounds.
For every of the Loan Officers of Dutchess County,	-	Twenty Pounds.
For every of the Loan Officers of Orange County,	-	Fifteen Pounds.
For every of the Loan Officers of Ulster County,	-	Eighteen Pounds.
For every of the Loan Officers of Montgomery County,	-	Sixteen Pounds.
For every of the Loan Officers of Washington County,	-	Ten Pounds.

XXVIII. And be it further enacted by the Authority aforesaid, That the Supervisors and Judges aforesaid of the several Counties of this State shall, on the first Tuesday in October, which will be in the Year of our Lord, One Thousand Seven Hundred and Eighty-seven, and yearly thereafter on the First Tuesday in October, meet together with the said Loan Officers, at the Court-House of the County; and the Majority of the Supervisors, with one or more of the Judges aforesaid, shall carefully inspect and examine the Mortgages, Minutes, and Accounts of the Loan Officers; and if it be found that any Loan Officer or Loan Officers has or have refused or neglected to perform the Duties enjoined upon him or them by this Act, the said Judges and Supervisors shall elect a Loan Officer or Loan Officers, in the Stead of such who shall so have refused or neglected as aforesaid; and if any Deficiency has happened, by Borrowers

not

not having Right to the Lands mortgaged, or by the selling thereof for a less Price than what is before mentioned, or otherwise, then the said Supervisors, or a Majority of them, with the Concurrence of one or more of the said Judges, shall cause all such Deficiencies to be assessed and levied in the County, as other County Charges, so that the Whole of such Deficiencies be paid to the said Loan Officers, by the Third Tuesday of June then next following.

Wherein deficiencies are to be assessed by Supervisors, &c. on Counties, and paid to the Loan-Officers.

XXIX. And be it further enacted by the Authority aforesaid, That in Case one or more of the said Judges, and a Majority of the Supervisors aforesaid, shall not meet on the Second Tuesday in May next; or in Case they shall not meet yearly on the first Tuesday in October; or in Case they shall not meet when summoned by a Precept of one or more of the said Judges, for the several Purposes in this Act mentioned; every of them, in either of these Cases, that are absent (unless detained by Sickness) shall forfeit the Sum of Two Pounds; and the Judge or Judges then attending, shall issue his or their Precept to one or more Constables, to summon the Judges and Supervisors to attend on that Day Week, for the Purposes aforesaid, under Double the Penalty aforesaid, which each neglecting then to attend, if duly summoned, shall also forfeit, altho' a sufficient Number do appear; and in Case a sufficient Number do not then appear, the Judge or Judges appearing shall proceed in the like Manner from Week to Week, until a full Number of Supervisors do appear to perform the Duty for which they before ought to have met: And in Case the said Supervisors, or either of them, when a Majority of them are met, shall neglect or refuse to do the Duty enjoined on him or them by this Act, when met; or shall, on any Pretence whatsoever, on the Day of their annual Meeting, neglect or omit the causing to be assessed, levied, and raised, the whole Deficiencies that have happened by any of the Means aforesaid, every of them neglecting their Duty herein, shall forfeit to the People of this State the Sum of Five Pounds: All which Penalties before in this Clause mentioned, are to be recovered before any one of the Justices of the Peace within the County where such Forfeiture shall arise, one Half to the Use of such Judge or Judges and Supervisors of the same County, endeavoring to perform their Duty herein, who will sue and inform against the others, and prosecute their Suit to Effect; and the other Half to the Treasurer of the State, and be applied towards cancelling the Bills of Credit in such Manner as shall be directed by Act or Acts of the Legislature.

Forfeitures in case of non-attendance of Judges and Supervisors to certain duties.

Two pounds.

Four pounds.

Five pounds.

How to be disposed of when recovered.

XXX. And be it further enacted by the Authority aforesaid, That all and every the Sums of Money which may at any Time afterwards be recovered by the Loan Officers aforesaid, of such Persons as have been the Occasion of such Deficiencies as aforesaid, shall be applied to the Use of such County: And the Judge or Judges and Supervisors are hereby empowered to take all lawful Ways and Means, in the Name of the said Loan Officers, to recover the same.

Deficiencies, recovered from individuals, to be applied to the Use of the County.

XXXI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Loan Officers to let out upon Loan any of the said Bills of Credit, in such Manner as they shall think best, upon Security of good Plate, to be delivered to them at Six Shillings per Ounce, to be paid to the said Loan Officers on the Third Tuesday in June annually then next, with a Year's Interest at Five per Cent. for the same; and in Case of Non-payment at any of the three stated Days of Meeting of the Loan Officers, then the said Loan Officers are to sell the same Plate in such Manner, and upon the same Day as they are directed to sell the Lands of the Mortgagors forfeited as aforesaid; and they are to return the Overplus, if any be, to the Owner, after Payment of the Principal and Charges, with Interest past and to come, until the Third Tuesday of June then next, unless a Borrower offers at the Time of Sale, as in Case of Lands herein before mentioned; any Thing in this Act to the Contrary notwithstanding.

Loan-Officers to lend upon plate security at 6s. per Ounce.

When the plate shall be sold by the Loan-Officers.

XXXII. And be it further enacted by the Authority aforesaid, That if any Monies shall remain in the Hands of the Loan Officers, for Want of Borrowers, Four Weeks after the first Day appointed for letting it out, it shall be lawful for them to let out the same on good Security, by Mortgage of Lands in the County, or on Plate, as aforesaid, to any Person who will borrow the same, in any Sums, though they be upwards of Three Hundred Pounds.

Bills remaining four weeks in the hands of the Loan-Officers, may be lent in sums above 300l. to a borrower

XXXIII. And be it further enacted by the Authority aforesaid, That if any of the Bills of Credit shall remain four Weeks over and above the four Weeks aforesaid,

T

that

Bills remaining eight Weeks in Loan Officers hands to be carried to the next County or Counties.

and advertised by the Loan-Officers there for the borrowers to offer, &c.

Frauds happening by executors prevented.

Where executors of borrowers shall pay the mortgage money out of the personal estate.

Where devisees shall pay the residue of the mortgage money due at the time of the testator's death.

Where executors permitting mortgaged property to be sold may be sued by devisees.

Where executors purchasing shall be seized only for the benefit of the devisees.

Swearing or affirming falsely, or wilfully acting contrary to any oath or affirmation required by this act, declared perjury, and punished.

Access to Books of mortgages, &c.

Entries of mortgages to have the like priority as in the county Clerk's Offices.

that is to say in all eight Weeks, in the Hands of the Loan Officers for Want of Borrowers, after the first Day for letting out as aforesaid, then, and in that Case the said Loan Officers, or one of them, by Consent of the other, to be entered and signed in the Minute-Book of Proceedings, shall carry it to the Loan Officers of the next County or Counties, where there were more monies demanded in Loan than there were monies to lend, and deliver it to the Loan Officers of such next County or Counties upon their Receipts for the same, and their entering a Memorandum of it in the Minutes of their Proceedings; which Loan Officers, to whom such Sum is brought, shall accept thereof, and shall set up Advertisements thereof, and therein assign a Day in the next Week for Borrowers to offer, and shall proceed in the lending such further Sum in their County, as nearly as Circumstances will admit, in the like Manner as they proceeded in lending the first Sum; of which Transposition of those Monies, the Loan Officers of the several Counties shall give Notice in Writing, signed by them, to the Treasurer, at the Time of their paying to him the first Interest Monies thereafter; of which Notices to him he shall enter Memorandums in his Book of Accounts, the better to ascertain the Interest he is to receive yearly from the respective Counties, and the principal Sums that the Counties are finally to cancel.

AND to prevent Frauds that may happen by Executors, in their Non-payment of any Part of the Money borrowed as aforesaid, by their respective Testators;

XXXIV. *Be it further enacted by the Authority aforesaid,* That if any Person or Persons who shall become a Borrower or Borrowers of the Bills issued by Virtue of this Act, shall afterwards make his, her, or their last Will and Testament in due Form of Law, thereby devising the Premises so mortgaged, to any other Person or Persons, leaving personal Estate sufficient to pay his or her Debts, with an Overplus not otherwise in the said Will disposed of, and not expressly providing in other Manner by the said Will, in such Case it shall be understood, that the Devisor intended that the Mortgage Money in Arrear at the Time of his Death, should be paid out of his personal Estate, and his Executor or Executors shall accordingly be compelled to pay the same thereout, in Aid of such Devisee or Devisees: But in Case the said last Will was made before the Premises were mortgaged, then it shall be understood that the Testator's Intent was (unless otherwise expressed in such Will) that the Devisee or Devisees should pay the Residue of the Mortgage Money in Arrear at the Time of such Testator's Death: And in Case any Executor or Executors, contrary to the Intent of this Act, having Effects sufficient, shall permit a Sale to be made of the Premises mortgaged; such Devisee or Devisees may immediately have his, her, or their Action, either in proper Person, or by Guardian, or next Friend, if under Age, against such Executor or Executors, and recover double the Damages sustained; with Costs of Suit; and in Case any Executor or Executors shall, in such Case, be a Purchaser of the Premises so mortgaged, or any other in Trust for him, or for his Use, he or they shall be deemed seized of the Premises for the Use of the Devisee or Devisees; and such Executor or Executors, and their Trustee or Trustees, are hereby disabled from making any Conveyance thereof from such Devisee or Devisees; and if any such Conveyance is made, the same is hereby declared fraudulent and void against such Devisee or Devisees,

XXXV. *And be it further enacted by the Authority aforesaid,* That if any Person shall falsely swear or affirm in any of the Cases where an Oath or Affirmation is required to be taken by this Act, or shall wilfully or knowingly act contrary to the Oath or Affirmation he has before taken, such Offence is hereby declared to be Perjury, and the Offender, being convicted thereof, shall suffer the Pains and Penalties of Perjury.

XXXVI. *And be it further enacted by the Authority aforesaid,* That the respective Loan Officers within this State, for the Time being, shall permit any Person or Persons, at seasonable Times, to search and view the Books of Mortgages in their Hands and Custody, upon their paying One Shilling for the Search; and the Entry of the respective Mortgages in the Books of the said Loan Offices, shall have the like Priority, Operation, and Effect, as if such Mortgages were registered in the Clerk's Office of the County in which the Lands mortgaged lie.

XXXVII. *And be it further enacted by the Authority aforesaid,* That for the greater Uniformity in the Securities to be taken in the Loan Offices for the Money to be

be lent by Virtue of this Act, the Mortgages shall be in the Form following, TO WIT, ^{The form of the mortgages.}
THIS INDENTURE, made the Day of in the Year of

our Lord, One Thousand Seven Hundred and BETWEEN
of the County of of the one Part, and the Loan Officers of the said Coun-
ty of on the other Part, WITNESSETH, That the said
for and in Consideration of the Sum of by the Loan Officers of
the said County of to him well and truly paid, HATH granted,
bargained, sold, released, enfeoffed, and confirmed, and by these Presents doth grant,
bargain, sell, release, enfeoff, and confirm to the Loan Officers of the

of and their Successors and Assigns forever, ALL that
together with all and all Manner of Improvements,
Hereditaments, and Appurtenances whatsoever, to the same belonging, or in any Wise
appertaining; and all the Estate, Right, Title, Interest, Claim, and Demand of the
said to the above bargained Premises, and every Part thereof:
TO HAVE AND TO HOLD the above bargained Premises to the Loan Officers of the
County of their Successors and Assigns forever, to the Uses and
Purposes mentioned in an Act of the Legislature of the State of New-York, entitled,
"An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit,
for the Purposes therein mentioned: And the said for himself,
his Heirs, Executors, and Administrators, doth covenant, grant and agree to and with the
said Loan Officers of the of and their Successors, that at and
before the Time of the enfealing and Delivery hereof, the said was lawfully
seised of the above bargained Premises, of a good, sure, perfect, absolute, and indefea-
sible Estate of Inheritance in the Law, in Fee Simple, and that the same now are free
and clear of all former and other Gifts, Grants, Bargains, Sales, Leases, Releases, Judg-
ments, Extents, Recognizances, Dowers, and other Incumbrances whatsoever.

PROVIDED ALWAYS, and these Presents are upon this Condition, That if the said
Heirs, Executors, Administrators, or Assigns, do pay, or
cause to be paid to the Loan Officers of the of
the Interest at the Rate of Five per Cent. of the said principal Sum of
on the Third Tuesday of June yearly, until the Third Tuesday of June
which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety,
inclusive; and if the said Heirs, Executors, Administrators, or
Assigns, shall pay to the Loan Officers of the of

the one Tenth Part of the said principal Sum of on the Third
Tuesday of June which will be in the Year of our Lord, One Thousand Seven Hundred
and Ninety-one, together with the Interest then due on the said principal Sum of
and one other Tenth Part of the said principal Sum, on the
Third Tuesday of June, which will be in the Year of our Lord, One Thousand Seven
Hundred and Ninety-two, together with the Interest then due; one other Tenth Part
of the said principal Sum, on the Third Tuesday of June, which will be in the Year
of our Lord, One Thousand Seven Hundred and Ninety-three, together with the Inte-
rest then due; one other Tenth Part of the principal Sum, on the Third Tuesday
of June, which will be in the Year of our Lord, One Thousand Seven Hundred and
Ninety-four, together with the Interest then due; one other Tenth Part of the said
principal Sum, on the Third Tuesday of June, which will be in the Year of our Lord,
One Thousand Seven Hundred and Ninety-five, together with the Interest then due;
one other Tenth Part of the said principal Sum, on the Third Tuesday of June,
which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety-six,
together with the Interest then due; one other Tenth Part of the principal Sum,
on the Third Tuesday of June, which will be in the Year of our Lord One Thousand
Seven Hundred and Ninety-seven, together with the Interest then due; One other
Tenth Part of the said principal Sum on the Third Tuesday of June, which will be in
the

the Year of our Lord, One Thousand Seven Hundred and Ninety-eight, together with the Interest then due ; one other Tenth Part of the said principal Sum on the Third Tuesday of June, which will be in the Year of our Lord One Thousand Seven Hundred and Ninety-nine, together with the Interest then due ; and the Remainder of the said principal Sum, on the Third Tuesday of June, which will be in the Year of our Lord, One Thousand Eight Hundred, together with the Interest then due thereon, according to the true Intent and Meaning of the said Act ; then the above Grant, Bargain, and Sale, and every Article and Clause thereof shall be void : But if Failure be made in any of the Payments above-mentioned, then the above Bargain and Sale is to remain in full Force and Virtue. And the said

Heirs and Assigns, agree to be absolutely barred of all Equity of Redemption of the Premises, at the Expiration of Twenty-two Days after such Failure. And the said Heirs, Executors, and Administrators, covenant, grant, and agree to and with the Loan

Officers of the of and their Successors, well and truly to pay to them all and every of the Sums of Money above-mentioned, at the Times on which the same ought to be paid as aforesaid, and that the above bargained Premises, upon the Sale thereof, pursuant to the Directions of the said Act, will yield the Principal and Interest aforesaid, remaining unpaid at the Time of such Sale, and until the Third Tuesday of June next after the Day of Sale, together with Fifteen Shillings for the Charges of such Sale : In Witness whereof, the Parties to these Presents have interchangeably set their Hands and Seals, the Day and Year first above written.

Sealed and delivered in the Presence of

800 copies of mortgages to be printed, &c.

How to be disposed of.

XXXVIII. And be it further enacted by the Authority aforesaid, That the said Samuel Loudon shall print Eight Thousand Copies of the said Mortgages, and bind so many of them in a Book together, with Six Leaves of clean Paper for an Alphabet, for the Use of the Loan Office of each County ; that there may be a Mortgage for every Twenty Pounds of Bills of Credit given to the Loan Officer of that County, and the Number remaining he shall give in loose Sheets, in the like Proportion, to each of the Loan Officer, in order therewith (if there should be Occasion) to give attested Copies of the original Mortgages to the Purchasers of any of the mortgaged Lands : which Books, together with the said loose sheets, are to be delivered by the Printer, to the Treasurer of this State, by him, with the Bills, to be delivered to the Loan Officers of each County.

Mode of taking and discharging the mortgages.

XXXIX. And be it further enacted by the Authority aforesaid, That no Mortgage shall be taken in the Loan Offices, but by filling up one of the Blanks of the said Book of Mortgages ; none of them shall be defaced or torn out, except the Seals when the Mortgagor pays off the whole Principal and Interest of the Mortgage : And the Loan Officers shall proceed in the taking the Mortgages from the Beginning of the Book, forward numbering the Mortgages as they are taken, and inserting the Mortgagor's Name and Number in the Alphabet, under the Letter answering the Mortgagor's Surname.

12 blank books to be provided for Loan-Officers.

XL. And be it further enacted by the Authority aforesaid, That the Printer shall also cause to be bound up, Twelve Books of Paper, one for the Use of each Loan Office, and to be about Two Thirds of the Size of the Book of Mortgages for the same County, to be delivered as aforesaid, with the Book of Mortgages.

Uses to which the blank books are to be applied.

XLI. And be it further enacted by the Authority aforesaid, That the Loan Officers shall, in one End of the last mentioned Book, minute the Substance of each Mortgage, to wit, the Number thereof, the Date, the Mortgagor's Name, the Sum lent, and the Boundaries of the Lands mortgaged : And when the one Loan Officer has the Custody of the Book of Mortgages, the other shall have the Custody of the other Book, that Fire, or other Accidents which might happen, may be guarded against. And the Printer shall make an Alphabet to it, like to that of the Book of Mortgages ; and for the Satisfaction of the Mortgagor, he may examine or see the Minute examined with the original Mortgage, and with the Witnesses shall sign the same.

The Loan-Officers to have the custody of the book of mortgages and the minute-book alternately.

Alphabet to the minute-Book, &c.

XLII. And be it further enacted by the Authority aforesaid, That the Loan Officers beginning at the other End of the said Book, shall insert the Minutes of their Proceedings therein, to wit,

First. The Day they meet, Place, House, and Loan Officers present.

Second.

- Second. If any one is absent, they shall, at their next Meeting, minute the Cause of his Absence. Directions to the Loan-Officers.
- Third. Shall enter the Hour that every one applies for the Loan of Money, and the Sum he applies for.
- Fourth. Shall enter down the Reason why a prior Applicant had not the Money, according to his Application, and the Substance of Examinations for clearing Titles and Value.
- Fifth. Shall enter down the Monies received from the Treasurer, and the Monies delivered to, or received from the Loan Officers of another County, and the Day when, with a Copy of the Notice thereof, to be delivered to the Treasurer, and when that Notice was delivered to the Treasurer, and by whom.
- Sixth. The last Day of their Four Days of Meeting for receiving of Monies yearly, they shall enter whose Mortgages are foreclosed, and the Numbers and Sums of them.
- Seventh. Shall enter the Orders for, and Copies of the Advertisements for Sale, and Places at which they are to be set up, and the Persons Names that are to set them up.
- Eighth. Shall enter the Names of Purchasers of Lands, and Prices sold for, and Payment of the Overplus to whom it belongs, with the Time and Witnesses of such Payment.
- Ninth. In Case any Principals, or Part thereof, are paid in before the Times of Payment in the Mortgages, the whole Amount of such Principals so paid in, shall be entered in the said Book.
- Tenth. Shall enter the Cause of all Suits, and the Informations they have received, and of whom, at Length, or if too long, refer to them in Papers apart, minuting the Substance.
- Eleventh. Shall enter their Meetings with the Judges and Supervisors, and Persons present, together with the Minutes of all Proceedings of such Judges and Supervisors, particularly what were the Deficiencies laid before them, what Measures were taken for assessing and levying such Deficiencies, and which of the said Judges and Supervisors were for assessing, or for neglecting or delaying it.

XLIII. And be it further enacted by the Authority aforesaid, That the Printer shall also cause to be bound other twelve Books of Paper, one of them for the Use of each Loan Office, about two-thirds of the Size of the Book of Mortgages for the same County, to be delivered as aforesaid, with the Book of Mortgages, and that therein shall be entered all the Accounts of the Loan Office; that at the Beginning there shall be an Alphabet, wherein shall be inserted every Man's Name, and the Page wherein his Account stands; and that this Book be kept in the fairest and best Method that the Loan Officers can, and it is to remain in the Custody of him who has the Minutes of the Mortgages and Proceedings. 12 blank books provided to the Loan-Officers, to remain with him who keeps the book of minutes.

XLIV. And be it enacted by the Authority aforesaid, That the Deeds to be granted by the Loan Officers, for any Lands to be sold by them, whereof the Equity of Redemption is foreclosed, shall be in Form following, TO WIT, Form of the deeds to be granted to Loan-Officers.

THIS INDENTURE, made the Tuesday of _____ in the Year of our Lord One Thousand Seven Hundred and _____ BETWEEN the Loan Officers of the _____ of _____ of the one Part, and of the other Part, WITNESSETH, that the said Loan Officers of the _____ of _____ for and in Consideration of the Sum of _____ to them in Hand paid, whereof they Acknowledge the Receipt, and Discharge the said Heirs, Executors and Administrators thereof forever, HAVE, pursuant to a Law of the State of New-York, entitled, "An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned," granted, bargained, sold, released, enfeoffed, and confirmed, and by these Presents do grant, bargain, sell, release, enfeoff, and confirm unto the said Heirs and Assigns, all that together with all and all Manner of Improvements, Hereditaments, and Appurtenances whatsoever,

whatsoever, to the same belonging or appertaining, and all the Estate, Right, Title, Interest, Claim and Demand whatsoever of the Loan Officers of the _____ of _____ and their Successors to the above bargained Premises, and every Part thereof, to have and to hold the above bargained Premises, and every Part thereof, with the Appurtenances to the said _____ Heirs and Assigns, to the sole and only proper Use, Benefit and Behoof of the said _____ Heirs and Assigns for ever : In Witness whereof, the Loan Officers of the _____

have hereunto set the Seal of their Corporation, together with their Hands, the Day and Year above written : Sealed and delivered in the Presence of _____ to which Deed the Loan Officers shall affix the Seal of the Loan Office, and respectively subscribe their Names in the Presence of Two Witnesses.

A loose sheet of the blank mortgages filled up shall be evidence of title to the purchaser.

XLV. And be it further enacted by the Authority aforesaid, That upon every Sale of Lands, the Loan Officers shall fill up one of the loose Sheets of blank Mortgages, like to the original Mortgage, and attest the same as a true Copy, under their Hands, and the Seal of the Loan Office, and give it instead of the original Mortgage for Evidence of the Title to the Purchaser : And the Bond to be entered into by the Loan Officers, shall be in the Form following, viz.

Loan-Officer's bond.

KNOW all Men by these Presents, that we, _____ are held and firmly bound unto the People of the State of New-York, in the Sum of _____ to be paid to the said People ; for which Payment well and truly to be made and done, we bind Ourselves, our Heirs, Executors, and Administrators, and every of us and them jointly and severally, firmly by these Presents. Sealed with our Seals, and dated the _____ Day of _____ in the Year of our Lord, One Thousand Seven Hundred and _____

The Condition of the above Obligation is such, that if the above bounden shall and do well and truly perform the Office and Duty of one of the Loan Officers of the _____ of _____ and shall demean himself therein without Favor, Malice, or Partiality, then the above Obligation to be void, otherwise to remain in full Force and Virtue.

Sealed and delivered in the Presence of _____

In case of forfeiture of said bond, the suit to be stayed on certain conditions.

XLVI. And be it further enacted by the Authority aforesaid, That in Case of the Forfeiture of such Bond as aforesaid, the Suit thereon shall be staid, on the Defendant's paying, or tendering in Court to pay, the Damages arisen by the Breach of the Condition of the said Bond, with the Costs to that Time ; and if Judgment be had thereon, a Jury shall enquire of the Damages according to Law.

Loan-Officers to examine persons on oath, &c.

A minute thereof to be entered in their book of proceedings.

XLVII. And be it further enacted by the Authority aforesaid, That for the better Satisfaction of the Loan Officers as to the Title and Value of what is offered in Mortgage by Borrowers, the Loan Officers, or either of them, are hereby authorized and empowered to examine the Borrower and Witnesses upon Oath, or if of the People called Quakers, on Affirmation, concerning the same ; a brief Minute of which Examination, and the Names of the Persons so examined, they shall enter into their Minute Book of Proceedings.

The Treasurer to pay expences of printing the bills, &c.

and of signing them when audited.

XLVIII. And be it further enacted by the Authority aforesaid, That the Treasurer shall pay the Expence of printing the said Bills, and the incidental Expences which may arise in or about the same, and to each of the same Persons authorized to sign the Bills to be emitted by Virtue of this Act, at the Rate of Two Shillings for every Hundred of the said Bills they may have respectively signed, according to such Accounts thereof as they shall respectively produce, audited by the Auditor of this State.

When the signers of the bills are to meet at the treasury,

and receive all the bills from the Treasurer that have come to his hands with a list thereof.

XLIX. And be it further enacted by the Authority aforesaid, That the Signers of the said Bills, or any Three of them, shall meet at the Treasury of this State, on the First Monday in November, which will be in the Year One Thousand Seven Hundred and Eighty-seven, and annually on every First Monday in November, and the Treasurer of this State shall, when the said Signers are so met as aforesaid, deliver unto them all such of the said Bills of Credit as shall then have come into his Hands as Treasurer of this State, from any of the said Loan Officers for Principal and Interest, together with a List of the several Denominations of the said Bills ; and having examined and compared the said Bills with such List, shall destroy the said Bills, and shall certify that

that they have destroyed the Bills mentioned and designated on such List ; which List, so certified, shall be delivered to the said Treasurer, and a Copy thereof, so signed, shall be kept by the said Signers, or one of them, to be by him or them delivered to the Legislature, when thereunto required.

L. And be it further enacted by the Authority aforesaid, That whenever the said Treasurer shall have received from the said Loan Officers, a Sum equal to One Hundred and Fifty Thousand Pounds in Gold or Silver, partly in Gold and Silver, and partly in the Bills of Credit aforesaid ; it shall and may be lawful to and for the said Treasurer, and he is hereby required to exchange such of the said Bills as may be then in Circulation, for the Gold and Silver so received, at the nominal Value expressed on such Bills as may by any Person be tendered to him for Exchange ; and the said Treasurer is hereby required, as soon as he shall have received to the said Amount in Manner aforesaid, to give public Notice thereof, by Advertisement to be published in Three of the Newspapers printed in this State, and shall require all Persons having any of the said Bills of Credit in Possession, within Sixty Days from the Date of such Advertisement, to bring the same into the Treasury, and to receive Gold or Silver therefor ; and if any such Bills should not be brought in, those remaining in Circulation shall not be so exchanged, but shall be received in all Payments into the Treasury of this State.

Treasurer having received 150,000l. in gold or silver and bills of credit shall exchange such bills as are in circulation for gold or silver,

after a certain publication, giving 50 days to bring in the bills.

Bills not brought into the Treasury in that time, not to be exchanged.

LI. And be it further enacted by the Authority aforesaid, That the Treasurer of this State be, and he is hereby authorized and required to procure, at the Expence of the People of this State, a competent Number of blank Certificates, with such Checks and Devices as he may deem proper, to guard against Counterfeits, and with a Margin, or Counter-part, sufficiently large to contain a Memorandum of the annual Payment of Interest which may be made thereon ; the Blanks of which Certificates so to be procured, shall be filled up as to the Numbers, Sums, Date, Day, and Year of passing this Act, and be delivered as herein after directed ; and the said blank Certificates shall severally contain the Words following, viz.

Treasurer to procure blank certificates with checks and devices to prevent counterfeits.

NUMBER

THE People of the State of New-York, have received on Loan from the Sum of _____ to be paid to the said _____ or Bearer, on or before the First Day of January, which will be in the Year of our Lord, One Thousand Seven Hundred and Eighty-five, at the Rate of _____ per Centum per Annum, to be paid annually at the Treasury, according to a Law of this State, passed on the _____ Day of _____

Form of certificates:

LII. And be it further enacted by the Authority aforesaid, That the said Treasurer be, and he is hereby authorized and required to receive on Loan, in Behalf of the People of this State, such Public Securities as are herein after described, and to issue and deliver, in Lieu thereof, to any Person or Persons who shall, before the First Day of May, which will be in the Year of our Lord, One Thousand Seven Hundred and Eighty-seven, make such Loan or Loans, a Certificate or Certificates, at the Election of the Lender, in the Form herein before prescribed, to the Amount or Value of the Sum or Sums due as Principal Money on the Security and Securities which he shall so receive on Loan, and shall endorse on each Certificate by him delivered, the Amount of Interest due to the First Day of January, One Thousand Seven Hundred and Eighty-five, and subscribe his Name thereto. PROVIDED ALWAYS, That no more than one Certificate shall be issued by the said Treasurer, for a Sum less than Twenty Pounds, received from any one Person.

Treasurer to receive public securities on loan, and give certificates in lieu thereof.

LIII. And be it further enacted by the Authority aforesaid, That each Certificate to be delivered by Virtue of this Act, shall be numbered, beginning with Number One, and so on in arithmetic Progression, to the last that shall be delivered, inclusive ; and the Blanks of the Certificates shall be filled as follows, viz. The First and Third, with the Name of the Person making the Loan ; the Second, with the Amount of Principal Money of the Security or Securities loaned ; the Fourth, with the Word First ; the Fifth, with January ; and the Sixth, with a Rate of Interest equal to the Interest expressed in the Certificates received on Loan, and the Day, Month, and Year in

Certificates given by virtue of this act to be numbered, and their blanks how to be filled up.

in which this Act passed, shall be printed in the Certificates ; and each Certificate, before the same is delivered, shall be signed by the said Treasurer, with his Name and Stile of Office.

What kind of
public securities to
be received on loan.

LIV. *And be it further enacted by the Authority aforesaid,* That the said Treasurer shall be, and he is hereby authorized and required to receive the following public Securities on Loan, in Manner aforesaid, viz.

Loan Office Certificates, issued by the Continental Commissioner of Loans in this State, for Monies lent to the United States, at the nominal Value expressed therein, if issued on or before the First Day of September, One Thousand Seven Hundred and Seventy-seven.

Loan Office Certificates, issued by the Continental Commissioner of Loans in this State, for Monies loaned to the United States, since the said First Day of September, reduced to Specie Value by the Scale of Depreciation established by the United States in Congress assembled, on the Twenty-eighth Day of July, One Thousand Seven Hundred and Eighty-one.

Certificates issued or to be issued by the Continental Commissioner of Accounts within this State, for Services performed, or Articles delivered by the Inhabitants of this State, for the Use of the United States, commonly called Barber's Notes :

Certificates issued by the Treasurer of this State, for Monies borrowed for the Use of this State, and directed to be paid by an Act, entitled, "An Act to provide for the Payment of certain contingent Expences of this State," passed the 25th of October, 1779, reduced to Specie Value, by the Continental Scale of Depreciation.

Certificates issued by the Agent of this State, in Pursuance of an Act, entitled, "An Act to procure Supplies for the Use of the Army, and to prevent a Monopoly of Cattle within this State, and more effectually to prevent Supplies of Cattle to the Enemy," passed the 24th of June, 1780.

Certificates issued by the Treasurer of this State, in Pursuance of an Act, entitled, "An Act to provide for the Payment of certain Monies taken on Loan by this State," passed the 30th Day of June, 1780, at the Rate of One Dollar in Silver, for every Forty of the nominal Dollars specified in such Certificates :

Warrants, with Receipts thereon endorsed, given by Virtue of the Act, entitled, "An Act to complete the Continental Battalions raised under the Direction of this State," passed the First Day of July, 1780, at the Rate of One Dollar in Silver, for every Bushel of Wheat specified in such Warrants :

Certificates granted for Horses purchased by this State, for the Use of the Armies of the United States, in the Year 1780.

Accounts liquidated and certified, or Certificates granted by the late Auditor-General of this State, or the Auditor of this State for the Time being, reduced to Specie Value, if not already so reduced by the Continental Scale of Depreciation.

Certificates issued by the Auditors appointed in Pursuance of the Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State, in the Service of the United States," passed the 4th Day of October, 1780 :

Certificates given, or which may be given, by Virtue of the Act, entitled, "An Act to empower the Auditors appointed to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, to grant Certificates to the Troops of this State in the Service of the United States, for their Pay accrued for the Time therein mentioned," passed the 6th Day of April, 1784.

Certificates issued, or to be issued, by Virtue of an Act, entitled, "An Act for the Settlement of the Pay of the Levies and Militia, for their Services in the late War, and for other Purposes therein mentioned," passed the Twenty-seventh Day of April, 1784 :

And all other Certificates issued by the Treasurer of this State, for Monies due by the People of this State, to any Person or Persons whomsoever.

Treasurer's duty
on giving certifi-
cates.

LV. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for the said Treasurer, and he is hereby authorized and required, immediately after completing any Certificate or Certificates, and having signed and endorsed the same as herein directed, to pay to the Holder thereof the One Fifth Part of the Interest endorsed thereon, as aforesaid, in the said Bills emitted by Virtue of this Act, and remaining in the Treasury ; and for the Residue of the said Interest so endorsed

ed as aforesaid, to give unto such Holder a Certificate in the Form following, TO WIT,

NUMBER

THE People of the State of New-York are indebted to
in the Sum of _____ for Interest to be paid to the said
or Bearer, on or before the First Day of May, which will be in the Year of our Lord
One Thousand Seven Hundred and Eighty-seven, according to an Act, entitled,
“ An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit,
for the Purposes therein mentioned.”

Which Certificates, so to be given for Interest, shall be numbered with the same
Number as the Certificate given for the principal Sum on which such Interest is due ;
and the Blanks in the Body of each Certificate so to be given for Interest, shall be filled
up as follows ; the First and Third with the Name of the Person to whom such
Interest is due, and the Second with the Sum so due to such Person for Interest as aforesaid ;
and each Certificate so given for Interest, shall, before the same is delivered, be
signed by the Treasurer, with his Name and Stile of Office ; and the said Treasurer
having so paid a Part of the Interest in the said Bills of Credit, and given such Certificate
aforesaid for the Residue of the Interest, shall Endorse on the Certificate by him
given for the principal Money of the Security or Securities so loaned, “ Interest paid
to the First Day of January, One Thousand Seven Hundred and Eight-Five,” and
subscribe such Endorsement with his Name and Stile of Office.

Certificates given
for interest to bear
the same number as
those for principal.

Treasurer how to
endorse certificates.

LVI. And be it further enacted by the Authority aforesaid, That the said Treasurer
shall make regular Entries in a Book or Books to be kept for the Purpose of
the Certificates for Securities loaned as aforesaid, which he shall issue by Virtue of this
Act ; and which Book or Entries shall contain in convenient Order, the Number and
Date of such Certificates, and the Names of the Persons to whom such Certificates
shall be issued, the principal Sum, the Interest paid thereon, the Day to which it was
paid, and the annual Interest to arise thereon ; and also a like Entry of each and every
Security he shall receive on Loan as aforesaid, reducing in all Cases the nominal Sum
to Specie Value, as herein before directed.

Treasurer to keep
a regular account of
certificates given for
securities loaned.

And to the End that the Credit of the Bills to be emitted by Virtue of this Act, may
be most effectually established ;

LVII. Be it enacted by the Authority aforesaid, That Gold and Silver, and the
Bills of Credit to be emitted by Virtue of this Act, shall be received by the Collector,
for Duties arising on Goods, Wares, and Merchandize, which shall be imported into
this State, after the passing of this Act, and in the Treasury of this State in Payment
arising from the Duty on Goods sold at public Vendue, by Virtue of the Act, entitled,
“ An Act for the Regulation of Sales by public Auction.”

Gold and silver
and the bills emitted
by this act only
to be received for
duties by the Collector,
&c.

LVIII And be it further enacted by the Authority aforesaid, That Gold and
Silver, and the Bills of Credit emitted in Pursuance of this Act, and no other Species of
Monies or Bills shall be received by the Loan Officers, in Discharge of the Principal
and Interest due on such Mortgages.

Gold and silver
and the bills aforesaid
only to be received by Loan-
Officers.

LIX. And be it further enacted by the Authority aforesaid, That all the Power
and Authority by this Act given to, and Duties required to be done by the Judges and
Supervisors of the several Counties of this State, shall be vested in, and exercised by the
Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council
convened, who shall be subject to like Forfeitures, so far for thas the Matters and
Things in this Act contained relate to the said City and County of New-York ; and
that the Word County, in this Act mentioned, shall be construed to comprehend the
said City and County of New-York.

Same power given
to the Mayor and
Aldermen of New-
York as to the
Judges and Super-
visors of the other
counties.

LX. And be it further enacted by the Authority aforesaid, That the Bills of
Credit to be emitted by Virtue of this Act, shall be a legal Tender in all Cases where
any Suit is or shall be brought or commenced for any Debt or Damages, and the Costs
of Suit, in any Stage of the Proceedings thereof. PROVIDED ALWAYS, That nothing
in this Act shall extend to contravene any Treaty between the United States of America,
and any foreign State and Power.

Bills of credit how
and when to be a
legal tender.

LXI. And be it further enacted by the Authority aforesaid, That one of the
Loan Officers of each respective County shall be allowed, in Addition to the Salaries
herein before mentioned, the Sum of Six-pence for every Mile such Loan Officer shall

Allowance to
Loan-Officer.

be obliged to travel for the Purpose of receiving the Bills of Credit, in and by this Act directed to be delivered to the Loan Officers, to be computed from the Court-House of the County for which such Loan Officer shall be appointed, to the City of New-York.

Certificates to be received in payment for confiscated estates and waste lands.

LXII. And be it further enacted by the Authority aforesaid, That the Certificates to be issued by the Treasurer, by Virtue of this Act, for Securities taken on Loan, and also the Certificates to be issued for Part of the Interest due thereon previous to the First Day of January, One Thousand Seven Hundred and Eighty-five, shall be receivable at the Treasury of the State, in Payment for confiscated Estates to be sold by the Commissioners of Forfeitures, and also in Payment for the waste and unappropriated Lands in this State.

C H A P. XLI.

A N A C T for regulating Trials of Issues, and for returning able and sufficient Jurors. Passed the 19th of April, 1786.

Issues in the Supreme Courts to be tried in the counties where the lands, &c. lie, or the cause of action arise, &c.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all Issues joined, or hereafter to be joined, in the Supreme Court, or in any other Court, and brought into the Supreme Court to be tried, and which are or may be triable by the County, shall be tried in the proper Counties where the Lands, Tenements, or Hereditaments in Demand or Question shall be situated, or the Cause of Action, Suit, Controversy, or Offence shall arise, or be committed; unless the Supreme Court, upon Motion in Behalf of the People of this State, if they be interested, or upon Motion of any Plaintiff, Demandant, or Avowant, or Tenant, or Defendant, shall think proper to order the Trial to be at the Bar of the said Supreme Court, which shall only be done in Cases of great Difficulty, or which require great Examination. But this Clause shall not extend to any Action merely transitory, nor prevent the said Supreme Court from ordering Trials by foreign Juries, in all Cases where it shall be proper and necessary.

Exceptions.

Justices of the Supreme Court, in vacations, to hold Circuit Courts.

II. And be it further enacted by the Authority aforesaid, That the Justices of the Supreme Court for the Time being, or some or one of them shall yearly, and every Year forever hereafter, in the Vacations, at least once in a Year, and oftener, if Need be, hold a Court in each of the Counties of this State, as well in the Counties where the Supreme Court shall sit, as in every of the other Counties of this State, for the Trials of all Issues joined or to be joined, in the Supreme Court, or in any other Court, and brought into the Supreme Court to be tried, and which are or may be triable in the said respective Counties; which Courts shall be called the Circuit Courts; and that each of the said Circuit Courts shall be held in each of the Counties of this State, so many Days each Time as the Justices or Justice holding the same, shall think necessary. AND FURTHER, That the Justices of the Supreme Court for the Time being, shall, from Time to Time, in the Term next preceeding the holding of every of the Circuit Courts, appoint the Time of holding such Circuit Courts in every of the said Counties in which it shall be necessary to hold the same in the then next Vacation, and shall cause the same to be entered in the Minutes of the same Supreme Court; and that such Circuit Courts shall respectively be held at the Court-House of the County in which the said Circuit Court is so appointed to be held; and in Case there be no Court-House in the County, then at such Place as the Justices of the Supreme Court, during the Term next preceeding the holding of such Circuit Court, shall for that Purpose appoint.

Where transcripts of the records of issues, &c. shall be sent from the Supreme Court to a Justice of the Circuit Court.

III. And be it further enacted by the Authority aforesaid, That when any such Issue is to be tried at any of the said Circuit Courts, the Tenor or Transcript of the Record thereof, with a Respite of the Jury, or an Award of Process for their Appearance to the Supreme Court, at the next Term, unless the Justices of the Supreme Court, some or one of them, at the Day and Place appointed for holding the said Circuit Court at which such Issue is or ought to be tried, shall sooner come, shall be made and

and sent under the Seal of the said Supreme Court, to such of the Justices of the same Court as may hold the said Circuit Court in the County where such Issue is or ought to be tried: and a similar Clause shall be inserted in the Process, for the Appearance of the Jury at the said Circuit Court; and if one Party demand and have such Tenor or Transcript of the Record as aforesaid, to deliver to such Justices or Justice before whom such Issue is to be tried; another Tenor or Transcript of the same Record, shall be made, and delivered to the other Party, if he require the same.

Each party entitled to a copy of the transactions.

IV. And be it further enacted by the Authority aforesaid, That the Justices of the Supreme Court for the Time being, and each and every of them, as a Justice or Justices of the Supreme Court and without any other Commission to be had or made for that Purpose, shall be, and hereby is and are fully authorized, empowered, and required, at the said respective Circuit Courts, to try all such Issues, and take all such Inquests, by Default or otherwise, as are or ought to be tried or taken in the said Circuit Courts respectively, and to record Nonfuits and Defaults before him or them; and to do and execute all other Matters and Things as fully, in every Respect, as any Justices of *Nisi Prius*, or Justices of Assize, may or ought by Law to do and execute. And the said Justices or Justice, before whom any such Court shall be held, shall return the said Tenor or Transcript, and the Writ or Process for the Appearance of the Jury, and the Panel, with the Verdict and Proceedings before him or them had thereupon, to the Supreme Court, at the next Term; and the said Supreme Court shall receive and record the same, and give Judgment thereupon according to Law. And further, That it shall and may be lawful to and for the Justices of the Supreme Court, and each and every of them, for the Time being, as a Justice or Justices of the Supreme Court, and without any other Commission to be had or made for that Purpose, to take Assizes of *Novel Disseisin*, or any other Assizes at the said several Circuit Courts; and if the taking of any Assize, at any such Circuit Court, be deferred for any Cause whatsoever, to adjourn the same, and send the Record, with the original Writ, to the said Supreme Court, where such Proceedings shall thereupon be had as Law and Justice may require. And when the Matter shall come to the taking of the Assize, the said Supreme Court shall remit the Matter to such of the Justices as shall hold the next Circuit Court in the County where the same Assize is or ought to be taken, before whom the said Assize shall be taken; any Law, Custom, or Usage to the Contrary notwithstanding.

Authority given to the Justices of the Supreme Court to try issues in the Circuit Courts, &c.

Transcripts of the proceedings to be returned to the Supreme Court, &c.

Assizes of Novel Disseisin, &c. to be taken at Circuit Courts by Justices of Supreme Court.

V. And be it further enacted by the Authority aforesaid, That all Sheriffs, and other Officers, to whom the Return of any Writs of Assize, Juries, or Certificates shall appertain, shall cause to come, at every such Circuit Court to be held in their respective Counties, before the Justices or Justice of the Supreme Court who shall hold such Circuit Court, all such Writs of Assize, Juries, and Certificates, before whatsoever Justices or Justice arraigned, or by whatsoever Writs, in their respective Counties, together with the Panels, Attachments, Reattachments, Summons, Resummons, and all other Minuments whatsoever, any Ways concerning those Assizes, Juries, and Certificates, in all Things according to Law and the Nature of them arrayed and executed.

Returning Officers to come at every Circuit Court

All writs of assize, &c. &c. together with attachments, re-attachments, &c.

PROVIDED ALWAYS, That the Attachments, Reattachments, Summons, and Resummons thereof, shall be made at least Fifteen Days before the holding of such Circuit Court.

Proviso.

VI. And be it further enacted by the Authority aforesaid, That all Issues upon Legality of Marriage, and upon Pleas or Allegations of general or special Bastardy, shall be tried by the County, and not otherwise; any Law, Custom, or Usage to the Contrary notwithstanding.

Issues on legality of marriage, and pleas of bastardy to be tried by the county only.

VII. And be it further enacted by the Authority aforesaid, That when any one who is or shall be impleaded before any Judges or Justices, doth alledge an Exception, praying that the Justices will allow it, and they will not allow it, if he who alledged the Exception do write the same Exception, and require that the Justices will put their Seals to it for a Witness, the Justices shall do so; and if one will not, another of the Justices shall. And if a Writ shall be brought to reverse the Judgment in such Case, and the same Exception be not found in the Roll, and the Plaintiff shew the Exception written, with the Seal of the Justices put to it, the Justice shall be commanded that he appear at a certain Day, either to confess or deny his Seal; and if the Justice cannot deny his Seal, the Court shall proceed to Judgment according to the same Exception, as it ought to be allowed or disallowed.

How persons impleaded before any Justice, &c. shall proceed, where their exceptions are not allowed.

VIII.

Venire Facias to
be awarded, &c.

VIII. And be it further enacted by the Authority aforesaid, That every *Venire Facias*, for the Trial of any Issue in any Action or Suit, civil or criminal, in any Court of Record within this State, shall be awarded of the Body of the proper County where such Issue is triable, excepting in such Cases in which foreign Juries shall be deemed necessary; in which Cases the *Venire Facias* shall be awarded of the Body of the County from which such foreign Jury are directed to come.

Of the qualifica-
tion of Jurors.

IX. And be it further enacted by the Authority aforesaid, That all Jurors (other than Strangers upon Trials per Medietatem Linguae) who shall be returned upon Trials of Issues in the Supreme Court, or in any of the Circuit Courts, or in any of the Inferior Courts of Common Pleas, or in the Mayor's Courts of the Cities of New-York, Albany, or Hudson, or in any Court of General or Quarter Sessions of the Peace, or before any Justices of Assize, Oyer and Terminer, or Gaol Delivery, in any City or County of this State, or in any other Court of Record, shall every of them be above the Age of Twenty-one, and under the Age of Sixty Years, and shall each of them have, in either of the said Counties, in his own Name or Right, or in Trust for him, or in his Wife's Right, in the same County, a Freehold in Lands, Messuages, or Tenements, or of Rents in Fee, or for Life, of the Value of Sixty Pounds, free of all Reprizes, Debts, Demands, or Incumbrances whatsoever; and in the Cities of New-York, Albany, or Hudson, a Freehold of the Value aforesaid, or a personal Estate of the like Value, free from all Reprizes, Debts, Demands, or Incumbrances whatsoever. And all Men having such Estate as aforesaid, are hereby enabled and made liable to be returned and to serve as Jurors for the Trials of Issues before the Judges, Justices, and Courts aforesaid: And if any Man, not so qualified, shall be returned upon any such Jury or Tales in Default of such Jurors, it shall be good Cause of Challenge to the Juror not so qualified; and such Person, so returned, shall be discharged upon such Challenge, or his own Allegation and Oath thereof.

Mode of challeng-
ing and discharging
Jurors.

Mode to prevent
the return of un-
qualified Jurors.

And to the End that Jurors so qualified may be always returned, the Writs of *Venire Facias Juratores*, which shall at any Time hereafter be awarded and issued for the impanelling of Juries within any of the Counties of this State, except the County of New-York, shall have, in the Body thereof, the Words following, that is to say, (Twelve free and lawful Men of your County, each of whom shall have in his own Name or Right, or in Trust for him, or in his Wife's Right, a Freehold in Lands, Messuages, or Tenements, or of Rents in Fee, or for Life, of the Value of Sixty Pounds, free from all Reprizes, Debts, Demands, or Incumbrances whatsoever) and in the City and County of New-York, the Words following, that is to say, (Twelve free and lawful Men of your City and County, each of whom shall have in his own Name or Right, or in Trust for him, or in his Wife's Right, a Freehold in Lands, Messuages, or Tenements, or a personal Estate of the Value of Sixty Pounds, free of all Reprizes, Debts, Demands, or Incumbrances whatsoever,) and in the Cities of Albany and Hudson, for Trials in their respective Mayors Courts, the Words following, that is to say, (Twelve free and lawful Men of your City, each of whom shall have in his own Name or Right, or in Trust for him, or in his Wife's Right, a Freehold in Lands, Messuages, or Tenements, or a personal Estate of the Value of Sixty Pounds, free of all Reprizes, Debts, Demands, or Incumbrances whatsoever:) And the Residue of the said respective Writs shall be in the usual Form: And that upon every such Writ and Writs of *Venire Facias Juratores*, the Sheriff, Coroner, or other returning Officer or Officers, in each respective City and County, unto whom the making the Panel of Jurors shall appertain, shall not return any Man in any such Panel, unless he shall be so qualified as aforesaid.

Sheriffs to annex
a panel.

X. And be it further enacted by the Authority aforesaid, That every Sheriff and other Officer to whom any Writ or Precept of *Venire Facias Juratores* shall be directed, for the Trial of Issues in the said Supreme Court, or in any of the Courts aforesaid, except in Cases where a special Jury shall be struck by Order or Rule of Court, shall, upon Return thereof, annex a Panel to the same Writ or Precept, containing the Names, Places of Abode, and Additions of a competent Number of Jurors so qualified as aforesaid, to serve on Juries, not less than Forty-eight, nor more than Seventy-two, without the Direction of the Judge or Judges, Justice or Justices before whom such Issue is to be tried, who are hereby respectively empowered and required, if he or they

see Cause, by Order under his or their Hands respectively, to direct a greater or less Number ; and then such Number as shall be so directed, shall be the Number to be returned on such Jury. And such Sheriff, or other Officer, shall return a like Panel, containing the same Names, Places of Abode, and Additions to every Writ or Precept of *Venire Facias Juratores*, directed to and returnable by him at the same Court, (except in Cases where a special Jury shall be struck by Order or Rule of Court.) And in order that such Judge or Judges, Justice or Justices may be the better enabled to direct according to the Intent of this Act, what Number of Jurors are necessary to be summoned, the Party or Parties in any Cause or Causes which may be at Issue and to be tried in any of the Courts aforesaid, or his or their Attorney or Attornies shall, at the same Time he or they give Notice of Trial to the Party or Attorney on the other Side, give the like Notice in Writing to the Judge or Judges, or Justice or Justices, before whom such Suit, Action, or Issue is to be tried, or is triable.

XI. And be it further enacted by the Authority aforesaid, That the Names of all the Persons contained in the Panel annexed to the Writ of *Venire Facias Juratores* need not be inserted in the Bodies of the Writs of *Habeas Corpora Juratorum* or *Distringas*, subsequent to such Writ of *Venire Facias Juratores*; but it shall be sufficient to insert in the mandatory Part of such Writs of *Habeas Corpora Juratorum* (the Bodies of the several Persons named in the Panel to this Writ annexed) and in the mandatory Part of such Writs of *Distringas* (the several Persons named in the Panel to this Writ annexed) or Words of the like Import, and to annex to such Writs respectively Panels, containing the same Names, Places of Abode and Additions, as were returned in the Panels to such *Venire Facias Juratores*. And that for the making the Returns and the Panels aforesaid, and annexing the same to the said respective Writs, no other Fee or Fees shall be taken than such as are now allowed by Law to be taken for the return of the like Writs and Panels annexed to the same. And further, that the Parties concerned in any such Trials may have timely Notice of the Jurors who are to serve upon such Trials, in order to make their Challenges to them, if there be Cause, every Sheriff, or other Officer to whom the return of the *Venire Facias Juratores*, or other Process against them, does or may belong, shall, upon application made to him for that Purpose, at any Time, within Five Days next before the Day on which such Writ or Process is returnable, deliver, or Cause to be delivered to any Party or Parties in any Cause or Issue to be tried by such Jurors, or to any Attorney or Agent for any or either of the Parties, a true Copy of such Panel of Jurors, certified under his Hand to have been summoned, and whose Names shall be so inserted in the Panel annexed or to be annexed to such Writ or Process, with their respective Places of Abode and Additions, such Person or Persons so applying for the same, paying therefor to such Sheriff or other returning Officer giving the same, the Sum of Two Shillings and no more.

Names of Persons in the panel annexed to *Venire Facias* need not be in the body of the *Habeas Corpora*, &c.

But the same names, places of abode, &c. to be annexed to such writs, &c.

Fees for returns and panels aforesaid.

Mode of giving timely notice to the parties, of the Jurors to serve on trials.

XII. And be it further enacted by the Authority aforesaid, That every Summons of any Person so qualified to any of the Services aforesaid, shall be made by the Sheriff or other returning Officer, or his lawful Deputy, Six Days at the least before the Day on which the Person so summoned as a Juror ought to make his Appearance.

Mode of summoning Jurors.

AND to the End that the respective Sheriffs may be better enabled to summon Jurors, qualified according to the Intent and Direction of this Act ;

XIII. And be it further enacted by the Authority aforesaid, That it shall be, and it is hereby made the Duty of the Sheriff of the City and County of New-York, and of each and every Sheriff of each of the other Counties of this State, at their own Expence respectively, yearly, and every Year, to procure a List of the Freeholders and others, in their respective Bailiwicks, qualified to serve as Jurors on Trials.

Sheriffs, annually, to procure a list of persons qualified to serve as Jurors.

XIV. And be it further enacted by the Authority aforesaid, That no Man shall be summoned or returned as a Juror to serve on Trials, unless upon struck Juries, at any of the Courts aforesaid, who hath, or shall have served therein, within the Space of One Year before (the said several Mayors Courts excepted.) And if any Sheriff, or his Deputy, shall wilfully transgress therein, the Court to which Return shall be made, is hereby authorised and required, on Examination and Proof of such Offence, to set a Fine upon such Offender, for every such Offence, not exceeding Forty Shillings.

Unless upon struck Juries, &c. no person to be returned a Juror that has served one year before.

Penalty.

Sheriffs for cer-
tain misconduct to
forfeit 50l.

XV. *And be it further enacted by the Authority aforesaid,* That no Sheriff, or other Officer, to whom any Writ or Precept for summoning any Jury or Inquest shall be directed, or any Bailiff, or Deputy of any such Sheriff or Officer, shall directly or indirectly take, accept, or receive any Money, or other Reward, to excuse any Man from serving, or being summoned to serve on any Jury or Inquest, or under that Colour or Pretence, on pain of forfeiting Fifty Pounds for every such Offence; the one Moiety thereof to the People of the State of New-York, and the other Moiety thereof to any Person who shall prosecute for the same to Effect, and to be recovered, with Costs of Suit, in the Inferior Court of Common Pleas of the County, or any of the said Mayors Courts, where the Offence shall have been committed, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin shall be allowed, nor more than one Imparlance.

The mode of ap-
pointing Juries, &c.

XVI. *And be it further enacted by the Authority aforesaid,* That upon all Trials in any of the Courts aforesaid (except for capital Offences, or by struck Juries, or where Views shall have been had) the Name of each and every Man who shall be summoned and impannelled as a Juror upon such Trial, with his Place of Abode, and Addition, shall be written on several and distinct Pieces of Paper or Parchment, being all as near as may be of equal Size, and shall be delivered unto the Clerk of the Court in which such Trial is to be had, by the Sheriff, or other Officer who shall have returned such Jury, or his Deputy or Agent, and shall, by Direction and Care of such Clerk, be rolled up, all as near as may be in one and the same Manner, and put together into a Box, to be by each respective Sheriff provided for that Purpose; and when the Cause, or any Cause or Issue, for the Trial whereof they are returned as Jurors, shall be brought on to be tried, the Clerk of the Court, or some other indifferent Person, by Direction of the Court, shall, in open Court, draw out Twelve of the said Papers or Parchments, one after another; and if any Man whose Name shall be so drawn, shall not appear, or be challenged and set aside, then such further Number thereof shall be drawn, as shall make up the Number *Twelve* who do appear, after all Causes of Challenge allowed, as fair and indifferent. And the said Twelve Men, so first drawn, and appearing and approved as indifferent, shall be sworn, and be the Jury to try such Cause or Issue, and their Names shall be marked in the Panel; and the Names of the Men so drawn and sworn, shall be kept apart by themselves, in some other Box, to be provided as aforesaid, and kept for that Purpose, until such Jury shall have given in their Verdict, and the same is recorded, or until such Jury shall, by Consent of the Parties or Leave of the Court, be discharged, and then the said Names shall be rolled up again, and returned to the former Box, there to be kept with the other Names remaining at that Time undrawn; and so it shall be done as often as any Cause or Issue remains then to be tried: But the Names of such as shall at any Time be drawn, and shall not appear, or be challenged and set aside, shall immediately after the Jury in such Case be sworn, be rolled up again and returned to the same Box with the Names at that Time undrawn. And if any Cause or Issue shall be brought on to be tried in any of the said Courts respectively, before the Jury in any other Cause or Issue shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order a Jury to be drawn in Manner aforesaid, out of the Names then remaining in the said first mentioned Box, for the Trial of such Cause or Issue which shall be so brought on to be tried.

Delinquent Jurors,
Constables, &c, to
be fined, &c.

XVII. *And be it further enacted by the Authority aforesaid,* That every Grand or Petit Juror, Constable, or other Officer, whose Duty it is to attend any of the Courts of Record in this State, who shall refuse or neglect to attend according to his Duty, shall be liable to be fined by such Court, in a Sum not exceeding Ten Pounds: and in every Case where such Fine shall be imposed by any of the said Courts, such Court shall immediately cause public Proclamation of such Fine to be made by the Crier of the Court; and if such delinquent Juror, Constable, or other Officer, who shall be fined as aforesaid, shall not, during the Term of Setting of the said Court in which such Fine shall be imposed, shew a satisfactory Reason or Excuse to the said Court for his Default or Non-attendance; then such Fine, so imposed, shall be estreated into the Court of Exchequer, in order that the same may be levied and paid into the Treasury, for the Use of the People of this State.

XVIII. *And be it further enacted by the Authority aforesaid,* That in any Actions brought or to be brought in the Supreme Court, or in any of the Inferior Courts of Common

Common Pleas, in either of the Counties of this State, or in either of the said Mayors Courts, where it shall appear to the Court in which such Actions are or shall be depending, that it will be proper and necessary that the Jurors who are to try the Issues in any such Actions, should have a View of the Messuages, Lands, or Place in Question, in order to their better understanding the Evidence that will be given upon the Trials of such Issues : in every such Case the said respective Courts in which such Actions are or shall be depending, may order special Writs of Distringas, or Habeas Corpora Juratorem, issue, by which the Sheriff, or other Officer to whom the said Writ shall be directed, shall be commanded to have Six out of the first Twelve of the Jurors named in the Panel annexed to such Writ, or some greater Number of them, at the Place in Question, some convenient Time before the Trial, who then and there shall have the Matters in Question shewn to them by two Persons in the said Writs named, to be appointed by the Court ; and the Sheriff, or other Officer who is to execute the said Writs, shall, by a special Return upon the same, certify that the View hath been had according to the Command of the said Writs ; and in such Case, if there is not a struck Jury in such Cause, and the Parties or their Agents or Attornies on both Sides shall not mutually agree, by Writing under their Hands, on the Jurors who are to have the View, the Names of all the Jurors returned for the Trial of such Cause, with their Places of Abode, and Additions, shall be written on several and distinct Pieces of Paper or Parchment, and rolled up and put into a Box, as aforesaid, in the Presence and by the Direction of one of the Judges of the Court in which such Cause is or shall be depending, and then the Names of so many of them as shall be necessary to go upon the View, but not less than Six shall be drawn out, one after another, in the Presence of such Judge ; and the Names of the Jurors so mutually agreed upon, or balloted as aforesaid, with their Places of Abode, and Additions, shall be first written on the Panel to be annexed to such Writs of Habeas Corpora Juratorum, or Distringas ; and the Names of the Residue of the Jurors returned for the Trial of such Cause, with their Places of Abode, and Additions, shall be written on such Parcel, immediately following the Names of the Jurors so agreed upon or balloted for the View, in the same Order they may stand in the Panel annexed to the Venire Facias : And when such Cause is brought on to be tried, such of the said Jurors as shall have had the View, and do appear, shall be first sworn upon the Jury to try the said Cause, before any drawing, and then so many more shall be drawn as aforesaid, to be added to the Viewers who appear, as shall, after all Defaults and Challenges allowed, make up the Number Twelve, to be sworn for the Trial of such Cause. And further, that in all other Cases where any of the Jurors shall have had the View of the Premises in Question or Demand, by Virtue of any Writ original or judicial, such of the Jurors as shall have had the View, and do appear, and are not challenged, or found unexceptionable, shall be first sworn, and only so many drawn or balloted, as to make up the Number Twelve.

Courts shall order special writs, &c.

Said writs to be directed to the Sheriff.

Mode of choosing the Jury of View, &c.

XIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Supreme Court, and the several Inferior Courts and Mayors Courts herein before mentioned, upon Motion in Behalf of the People of this State, or of any Prosecutor or Defendant, in any Indictment or Information, other than for capital Offences, or of any Plaintiff, Demandant, Avowant, Defendant, or Tenant, in any Action, Cause, or Suit whatsoever, depending or to be had, brought, prosecuted, or carried on, in any of the said Courts, and triable by a Jury of Twelve Men, to order and appoint a Jury to be struck for the Trial thereof ; and in such Case the said Courts shall order the Sheriff of the proper County, or other Officer who ought to impanel the Jury in such Case, to bring into the Office of the Clerk of the said Court, at a certain Day, a Book containing the Names of the several Persons in his County or Bailiwick, qualified to serve as Jurors on such Trial, with their Places of Abode, and Additions, and after the Return of such Book, the Party applying for such struck Jury, shall give due Notice to the opposite Party, and to the Clerk of the said Court or his Deputy, of the Time and Place of striking such Jury ; at which Time and Place the Clerk of the said Court or his Deputy, shall attend with the said Book, and shall, in the Presence of the Parties, or such of them as shall attend for that Purpose, Copy out of the said Book, the Names of Forty-eight such Persons, with their Places of Abode, and additions as he shall think most indifferent between the Parties, and best qualified

The Courts, on motion, to order a struck Jury.

Mode of striking a Jury.

to try such Cause or Issue; and then the Party applying for such struck Jury, or his Agent or Attorney, shall first strike out one of the said Names, and then the opposite Party, or his Agent or Attorney, another; and so, alternately, until each shall have struck out Twelve: But if such opposite Party shall not attend such striking, nor any Person in his behalf; then the said Clerk or his Deputy, shall strike for the Party not attending; and when each have struck out Twelve, as aforesaid, the remaining Twenty-four shall be the Jury to be returned to try the said Cause or Issue: And the Clerk of the said Court or his Deputy, shall thereupon, make a fair Copy of the Names of the same remaining Twenty-four Persons, with their Places of Abode and Additions, and certify the same under his Hand, to be the List of Jurors, struck as aforesaid, for the Trial of such Cause or Issue; which List shall be delivered to the Sheriff, or other Officer, who ought to summon such Jury, together with the Venire Facias; and such Sheriff, or other Officer, shall thereupon annex the same List to such Venire Facias, and return the same as the Panel of the Jury, to try such Cause or Issue, and summon them according to the Command of the same Writ: And upon the Trial of such Cause or Issue there shall be no balloting, but the Jurors so struck shall be called as they stand upon the Panel, and the first Twelve of them who shall appear, and are not challenged, or shall be found duly qualified and indifferent, shall be the Jury, and be sworn to try the said Cause or Issue: But the Person or Party who shall apply for such struck Jury, shall bear and pay the Fees for striking thereof; and shall not have any Allowance for the same, upon the Taxation of Costs.

Fees for striking a Jury to be paid by the party applying for such Jury.

Who are returnable as Jurors for capital offences.

XX. And be it further enacted by the Authority aforesaid, That no Sheriff, or other Officer, to whom the Return of Juries shall or may at any Time belong, shall impanel or return any Person or Persons to serve on any Jury, for the Trial of any capital Offence, who, at the Time of such Return, would not be qualified, by Virtue of this Act, to serve as Jurors in Civil Causes in the Supreme Court; and the same Matter and Cause alledged by Way of Challenge, and so found, shall be admitted and taken as a principal Challenge, and the Person and Persons so challenged shall and may be examined on Oath of the Truth of such Matter.

Where one half the Jury shall be citizens and the other half aliens.

XXI. And be it further enacted by the Authority aforesaid, That all Manner of Juries and Inquests hereafter to be taken or made between Aliens and Citizens of any of the United States of America, be they Merchants or others, in any Court, or before any Justice or Justices, and whether this State be Party, or interested, or not, except in Cases of Treason, the one Half of the Jury or Inquest shall be Citizens of this State, and qualified by this Act to serve on such Juries or Inquests, and the other Half of Aliens, if so many Aliens and Foreigners be in the City, County, or Place where such Jury or Inquest is to be taken or made, who be not Parties, nor with the Parties in the Contracts, Pleas, Quarrels, or Offences whereof such Juries or Inquests are or ought to be taken: And if there be not so many Aliens or Strangers, then there shall be put on such Juries or Inquests, as many Aliens and Strangers as shall be found in the same City, County, or Place, which be not thereto Parties, nor with the Parties as aforesaid, and the Remnant of Citizens of this State, qualified by this Act to serve on such Juries or Inquests, and who shall be good Men, and not suspicious to the one Party, nor to the other.

Conditions.

Challenges made by prosecutor for the State, to be tried in the same manner as the challenges of other parties.

XXII. And be it further enacted by the Authority aforesaid, That in all Cases where the Attorney General of this State, in Behalf of this State, or he who shall in any Case prosecute for the People of this State, shall challenge any Juror as not indifferent, or for any other Cause, he who shall make any such Challenge, shall immediately assign and shew the Cause of such Challenge, and the Truth thereof shall be enquired of and tried in the same Manner as the Challenges of other Parties are or ought by Law to be enquired of and tried.

Full Jury not appearing, &c.

XXIII. And be it further enacted by the Authority aforesaid, That the Justices or Justice of the Supreme Court before whom any Trial shall be brought at any of the said Circuit Courts, by Virtue of any Writ, with a Nisi Prius, where a full Jury shall not appear, or after Appearance of a full Jury, by Challenge the Jury is like to be, remain, untaken for Default of Jurors, shall have Authority, by Virtue of this Act, upon Request made for the People of the State of New-York, by any authorized thereunto, or assigned by the Justices or Justice of the Court before whom the Inquest is to be taken,

or

or upon Request made by any Party who prosecutes, as well for the People of this State, as for himself, in any Case, or upon Request made by the Party's Plaintiff, Demandant or Avowant, or Tenant or Defendant, or his or their Attorney, to command the Sheriff, or other Officer to whom the making the Return of the said Writs shall appertain, to Name and appoint, as often as need shall require, so many of such other able Persons, of the said County, qualified to serve on such Juries, according to the Intent of this Act, then Present at such Circuit Court, and to add and annex their Names to the former Panel, as shall make up a full Jury of Twelve Men, for the Trial of every such Issue; and every of the Parties shall and may have his or their Challenge to the Jurors so named, added and annexed to the said former Panel, by the said Sheriff or other Officer, in such Wise as if they had been impanelled upon the Venire Facias, awarded to try the said Issue; and the said Justices or Justice shall and may proceed to the Trial of every such Issue, with those Jurors that were before impanelled and returned, and with those newly added and annexed to the said former Panel, by Virtue of this Act, in such Wise as he or they might or ought to have done, if all the said Jurors had been returned upon the Writ of Venire Facias, awarded to try such Issue: AND FURTHER, that all and every such Trial shall be as good and effectual in the Law, to all Intents, Constructions and Purposes, as if such Trial had been had and tried by Twelve of the Jurors impanelled and returned upon the Writ of Venire Facias, awarded to try such Issue: And in Case such Persons as the said Sheriff or other Officer shall Name and appoint as aforesaid, or any of them, after they shall be called, be present and do not appear, or after his or their Appearance, do wilfully withdraw him or themselves from the Presence of the Court, that then such Justices or Justice shall and may set such Fine upon every such Juror making Default, or wilfully withdrawing himself as aforesaid, as such Justices or Justice shall think good by his or their Discretion; the same Fine to be levied in such Manner and Form as issues forfeited and lost by Jurors for Default of their Appearance are, or ought by Law to be levied.

Process of trial, with challenges to such Jurors, &c.

Such trial declared valid.

Jurors subject to be fined.

XXIV. And be it further enacted by the Authority aforesaid, That if any Jurors sworn for the Trial of any Issues, or in any Assizes, or other Inquests to be taken between the People of the State of New-York, and any Party, or between Party and Party, shall take any Thing by them or other of the Party, Plaintiff, or Defendant, or of any other, to give their Verdict, and thereof be found guilty, in any Court of Record, either at the Suit of the Party that will sue for himself, or for the People of the State of New-York, or any other Person, by original Writ, Bill, or Plaint, every of the said Jurors shall pay ten Times as much as he hath taken, with the Costs of Suit; and he that will sue, shall have the one Half, and the People of the State of New-York the other Half; and that all the Embracers that bring or procure such Jurors or Inquests to take Gain or Profit, shall be punished in the same Manner and Form as the Jurors: And if the Party to the Plea shall bring any such Suit or Action, and shall recover therein, he shall also recover his Damages, by the Assessment of the Inquest: And if the Juror or Embracer so found guilty, shall not have whereof to make Satisfaction in the Manner aforesaid, he shall be imprisoned for one Year.

Jurors to forfeit and be imprisoned.

Embracers punished in the same manner.

XXV. And be it further enacted by the Authority aforesaid, That no Jury, upon any Trial hereafter to be had, shall in any Case be compelled to give a general Verdict, so that they find a special Verdict, and shew the Truth of the Fact, and require the Aid of the Court or Justices: But if they, of their own Will, do give a general Verdict, their Verdict shall be admitted at their own Peril.

Jurors not compelled to give a general verdict.

PROVIDED ALWAYS, That this Act shall not extend to compel any Fire-Man of the City of New-York, or of the City of Albany, or of the Township of Brooklyn, in Kings County, lawfully appointed, or to be appointed, to serve as Jurors in any Case whatsoever.

Fire-men exempted.

XXVI. And be it further enacted by the Authority aforesaid, That the Act, entitled, "An Act concerning the Circuit Courts;" and the Act, entitled, "An Act to punish delinquent Jurors, Constables, and other Persons;" and all the Laws of the late Colony of New-York, relating to Jurors, shall be, and hereby are repealed.

Former laws repealed.

C H A P. XLII.

AN ACT making Provision for Officers, Soldiers, and Seamen, who have been disabled in the Service of the United States. Passed the 22d of April, 1786.

Act of Congress
relative to Officers,
Soldiers, &c. disa-
bled in the service.

WHEREAS the United States in Congress assembled, by their Act of the 7th of June, 1785, did resolve in the Words following, to wit, "RESOLVED, That it be, and it is hereby recommended to the several States, to make Provision for Officers, Soldiers, or Seamen, who have been disabled in the Service of the United States, in the following Manner, viz. 1. A compleat List shall be made out by such Person or Persons as each State shall direct, of all the Officers, Soldiers, or Seamen, resident in their respective States, who have served in the Army or Navy of the United States, or in the Militia in the Service of the United States, and have been disabled in such Service, so as to be incapable of military Duty, or of obtaining a Livelihood by Labour. In this List shall be expressed the Pay, Age, and Disability of each Invalid, also the Regiment, Corps, or Ship to which he belonged, and a Copy of the same shall be transmitted to the Office of the Secretary at War, within One Year after each State shall pass a Law for this Purpose, and a like descriptive List of the Invalids resident in the respective States, shall, from Year to Year, be annually transmitted to the Office of the Secretary at War. 2d. No Officer, Soldier, or Seaman, shall be considered as an Invalid, or entitled to Pay, unless he can produce a Certificate from the commanding Officer or Surgeon of the Regiment, Ship, Corps, or Company in which he served, or from a Physician or Surgeon of a military Hospital, or other good and sufficient Testimony, setting forth his Disability, and that he was thus disabled while in the Service of the United States. 3d. That all Commissioned Officers within the aforesaid Description, disabled in the Service of the United States, so as to be wholly incapable of military Duty, or of obtaining a Livelihood, be allowed a yearly Pension, equal to Half of their Pay respectively. And all Commissioned Officers as aforesaid, who shall not have been disabled in so great a Degree, be allowed a yearly Pension, which shall correspond with the Degree of their Disability, compared with that of an Officer wholly disabled. That all Non-commissioned Officers and Privates, within the aforesaid Description, disabled in the Service of the United States so as to be wholly incapable of military or garrison Duty, or of obtaining a Livelihood by Labour, be allowed a Sum not exceeding Five Dollars per Month: And all Non-commissioned Officers and Privates, as aforesaid, who shall not have been disabled in so great a Degree, be allowed such a Sum as shall correspond with the Degree of their Disability, compared with that of a Non-commissioned Officer or Private wholly disabled. 4. That each State appoint one or more Persons of suitable Abilities to examine all Claimants, and to report whether the Person producing a Certificate setting forth that he is an Invalid, be such in Fact; and if such, to what Pay he is entitled; and thereupon the Persons appointed to make such Enquiry, shall give to the Invalid a Certificate, specifying to what Pay he is entitled, and transmit a Copy to the Person who may be appointed by the State to receive and record the same. 5th. That each State be authorized to pay to the Commissioned Officers, Non-commissioned Officers, and Privates, the Sum or Sums to which they shall be respectively entitled, agreeably to the before mentioned Certificates; the said Payments to be deducted from the respective Quotas of the States for the Year on which they shall be made. PROVIDED, That no Officer who has accepted his Commutation for Half Pay, shall be entered on the List of Invalids, unless he shall have first returned his Commutation. 6th. That any State may form such Invalids under the aforesaid Description as are Citizens of the same, and are capable of garrison Duty, into Corps, to be employed in guarding military Stores, aiding the Police, or otherwise, as the State may direct. 7th. That when Invalids shall be formed into Corps, there be quarterly Returns, comprehending the Pay, Age, Disability, Regiment, Ship, or Corps to which they severally belonged, made out and signed by their commanding Officer, and transmitted to such Person or Persons as the State shall direct, that their Pay may be ordered according to said Return. 8th. That all Invalids, as well those
" formed

“ formed into Corps, as those who are not, shall annually apply themselves to a Magistrate of the County in which they reside, or may be stationed, and take the following Oath, viz. A. B. came before me, one of the Justices for the County of _____ in the State of _____ and made Oath, that he was examined by _____ appointed by the said State (or Commonwealth) for that Purpose, obtained a Certificate, or had his Certificate examined and countersigned, setting forth that he had served in _____ that he was disabled by _____ and that he now lives in the _____ and in the County of _____
 “ 9th. That the Affidavits, drawn according to the above Form, and dated and attested by a Magistrate, be sent by the said Magistrate, to the Person or Persons appointed by the State to receive and record the same, and that a Counterpart of the Affidavit be preserved by the Person taking it, to be exhibited to such Persons as shall be appointed by the State to pay the Invalids.”

To comply with the act of Congress.

THEREFORE, in order to comply with the said Act of Congress,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Governor, or Person administering the Government of this State for the Time being, Richard Varick, and Richard Platt, Esquires, or any two of them, in the City of New-York, and Abraham Ten Broeck, Peter Gansevoort, jun. and Philip Schuyler, Esquires, or any two of them, in the City of Albany, be, and they hereby are authorized and empowered to examine all Persons resident in this State, and claiming Relief under the said Act of Congress, whether the Person producing a Certificate that he is an Invalid, be such in Fact, and if such, to what Pay (upon the Principles of the said Act of Congress) he is entitled; and shall thereupon give to such Invalid a Certificate specifying to what Pay he is entitled, and transmit a Copy thereof to the Auditor of this State for the Time being, who is hereby directed to receive and record the same.

Persons appointed to examine claimants for relief under said act,

and grant certificates to such as are entitled to relief.

State Auditor to record Certificates.

PROVIDED ALWAYS, That it shall and may be lawful to and for the Persons above designated and named, or any two of them, to call to their Assistance such and so many Surgeons and Physicians as they may from Time to Time think proper, and to examine any such Claimant, and any other Person or Persons whom they may think proper, on Oath or Affirmation, concerning any such Claim.

Proviso.

II. *And be it further enacted by the Authority aforesaid,* That all such Invalids as may reside within this State, shall annually, between the First Day of April and the First Day of June, apply themselves to a Magistrate of the County in which they respectively reside, or may be stationed, and take an Oath in Substance as contained in the following Form of an Affidavit, to wit, A. B. came before me, one of the Justices of the County of _____ in the State of New-York, and made Oath that he was examined by _____ appointed by the said State for that Purpose; obtained a Certificate, or had his Certificate examined and countersigned, setting forth that he had served in _____ that he was disabled by _____ and that he now lives in the _____ and in the County of _____

Invalids annually to take an oath.

III. *And be it further enacted by the Authority aforesaid,* That the Affidavits so drawn according to the above Form, and dated and attested by the Justice before whom the same may be taken, shall be sent by the said Justice to the Auditor of this State for the Time being, who is hereby required to receive and record the same: And that a Counterpart of such Affidavit be delivered by the said Justice to the Person making the same, to be by him exhibited to the Treasurer of this State.

Affidavits to be sent to the State Auditor.

And a counterpart to the deponent to be delivered to the Treasurer.

IV. *And be it further enacted by the Authority aforesaid,* That the Auditor of this State for the Time being, be, and he hereby is required and directed, to make out a complete List of all such disabled Officers, Soldiers and Seamen, resident in this State, who, according to the Tenor of the said Act of Congress, are to be considered as Invalids, and entitled to Pensions; in which List shall be expressed the Pay, Age, and Disability of each Invalid, also the Regiment, Corps, or Ship to which he belonged. One Copy of which List the said Auditor shall, as soon as may be, transmit to the Office of the Secretary at War, and another to the Treasurer of this State. AND FURTHER, that the Auditor of this State for the Time being, shall yearly, and every Year, transmit to the Office of the Secretary at War, a like descriptive List of the Invalids resident in this State, and a Copy thereof to the Treasurer of this State.

Auditor to make lists of Invalids entitled to Pensions.

To transmit a copy of such list to the Secretary at War, and another to the Treasurer.

When the Treasurer shall pay the pensions.

Treasurer not to pay Invalids in pursuance of any former law.

Two acts respecting Invalids, repealed.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer of this State for the Time being, on the First Monday of June in every Year, or as soon thereafter as may be, upon having received from the Auditor of this State, the List herein before directed to be delivered him, to pay to the said Invalids, the Pensions or Sums to which they shall be respectively entitled, according to the Certificates and Lists aforesaid, the said Invalids first exhibiting to the Treasurer, the Affidavits in the Form aforesaid, by them respectively made in the Month of April or Month of May then last past, and to charge such Sum or Sums so paid to the United States, to be deducted from the Quotas of this State, agreeably to the above recited Act. PROVIDED ALWAYS, that the said Treasurer shall not pay any of the said Invalids for any Period for which they respectively may have been settled with, in pursuance of any former Law of this State.

VI. And be it further enacted by the Authority aforesaid, That the Act, entitled, "An Act to carry into execution certain Resolutions of Congress, making Provision for Persons who may become disabled while in the Service of the United States." Passed the 10th of March, 1779: And the Act, entitled, "An Act for making further Provision for Persons who have or may become disabled while in the Service of the United States." Passed the 18th of March, 1783, be, and the same are hereby repealed, as far as respects Pensions or Allowances on Account of Disability, after the First Day of June last.

C H A P. XLIII.

A N A C T for the more effectual Prevention of Fires in the City of New-York.
Passed the 22d April, 1786.

Preamble.

WHEREAS the storing of Pitch, Tar, Turpentine, Rosin, Spirits of Turpentine, Linseed Oil, or Shingles, in any Houses, Store-Houses, Cellars, or other Places within this City, may be of very bad Consequence in Case of Fire breaking out at or near the Place where any such Commodities are stored. AND WHEREAS the firing and discharging of Guns, Pistols, Rockets, Crackers, Squibs, and other Fire-Works, in the City of New-York, may not only do personal Injury to the Inhabitants and Others, but the City be in Danger of being set on Fire by such Practices; for Remedy whereof,

Certain storages to the southward of Fresh-Water prohibited after 1st June next,

under penalty of 10l.

or imprisonment.

Proviso.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That from and after the First Day of June next, no Pitch, Tar, Turpentine, Rosin, Spirits of Turpentine, Linseed Oil or Shingles, shall or may be put in any Place in the City of New-York, to the Southward of Fresh Water, other than in such proper Place or Places as shall be appointed and approved of by the Mayor, Aldermen, and Commonalty of the City of New-York, in Common Council convened, under the Penalty of Ten Pounds for every Offence, or Refusal to remove the same, to be levied by Warrant under the Hand and Seal of One or more Justices of the Peace for the City and County of New-York, by Distress and Sale of the Goods and Chattels of the Offender, upon due Conviction upon Oath, or upon the View of one or more of such Justices of the Peace, rendering the Overplus (if any be) to the Owner. And for Want of such Distress, the Offender shall be imprisoned by Warrant from the said Justice or Justices, who are hereby empowered and required to issue such Warrant, until Payment as aforesaid; which said Forfeitures shall be paid to the Chamberlain of the City of New-York for the Time being, for the Use of the Poor of the said City.

PROVIDED ALWAYS, That it shall and may be lawful to and for such Inhabitants of the said City who are Ship-Chandlers, to have near their Doors, in the open Street, and not in any Building or Inclosure, a small Quantity of Pitch, Tar, Rosin, and Turpentine, not exceeding in the Whole, at any one Time, Twenty Barrels, in order the more readily and handily to supply the Merchant Ships and others who may have Occasion for small Quantities of such Commodities; any Thing herein before contained to the Contrary hereof in any Wise notwithstanding.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons, of what Age, Sex, or Quality soever, from and after the said First Day of June next, shall fire and discharge any Gun, Pistol, Rocket, Cracker, Squib, or other Fire-Work, in any Street, Lane, or Alley, Garden, or Inclosure, or from any House, or in any other Place where Persons frequently walk, to the Southward of Fresh Water; that then every such Person or Persons so offending, and being thereof convicted before one or more Justice or Justices of the Peace for the said City and County of New-York, either by the Confession of the Party or Parties so offending, or the Oath of one or more Witness or Witnesses, (which Oath the said Justice or Justices of the Peace is and are hereby empowered and required to administer) shall, for every such Offence, forfeit the Sum of Twenty Shillings; the said Forfeitures to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal of the said Justice or Justices of the Peace before whom such Conviction or Convictions shall be as aforesaid made; which Forfeiture shall be paid to the said Chamberlain, for the Use of the Poor of the said City of New-York. And if the said Offenders shall not pay the said Forfeiture or Forfeitures upon Conviction as aforesaid, and Want of sufficient Distress whereon the same can be made, that then every such Justice or Justices of the Peace is and are hereby empowered and required, by Warrant under his or their Hands and Seals, to commit every such Person or Persons, so as aforesaid offending, to the common Gaol of the City and County of New-York, there to remain, without Bail or Mainprize, for the Space of Ten Days, unless such Forfeiture or Forfeitures be sooner paid; but in Case such Offender or Offenders in the Premises last above mentioned, shall happen to be a Slave or Slaves, and the Forfeiture or Forfeitures aforesaid, shall not be forthwith paid, that then it shall and may be lawful to and for such Justice or Justices before whom the Conviction shall be, to cause such Slave or Slaves to be publicly whipped on the naked Back, such Number of Stripes as he or they shall think proper, not exceeding Thirty-nine; which Punishment shall be in Lieu and Stead of the said Forfeiture.

Penalty on persons firing a gun, &c. within certain described limits, after 1st June next.

Slaves to be whipped.

C H A P. XLIV.

A N A C T for keeping the Highway in that Part of the Manor of Rensselaerwyck, called the Colonie, in Repair. Passed the 22d of April, 1786.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful to and for the Overseers of the Highway, to be elected in the Manner herein after mentioned, respectively, from Time to Time, to direct all and every Person and Persons, being Inhabitants of that Part of the West District of the Manor of Rensselaerwyck, lying to the northward of the City of Albany, and to the southward of Water Vliet, commonly called the Colonie, or holding any Lots of Ground in the same, to clear or clean the Streets or Highways directly opposite to the Lots of Ground owned or possessed by such Person or Persons respectively, to the Middle of such Streets or Highways, and to remove all Fire-Wood, Stones, or any other Things whatsoever, which may at any Time be placed or conveyed on or into any such Part of any such Streets or Highways, which he, she or they, are hereby required to clear and clean, (the necessary Materials for Building any Dwelling House only excepted.) And if any such Person or Persons, when thereunto required by the said Overseers, or either of them, shall neglect or refuse for the Space of Three Days, being so required to clear and clean such Streets, or to remove any Fire-Wood, Stones, or other Thing as aforesaid, the Person or Persons shall, for every Day he or they shall so neglect or refuse, forfeit and pay the Sum of Three Shillings, to be recovered and applied in the Manner herein after directed.

Duty of the overseers of highways, to the northward of Albany.

II. And be it further enacted by the Authority aforesaid, That each and every Person, being an Inhabitant of the said Colonie shall from Time to Time, within Two Months after Notice shall be given to them respectively, by the said Overseers, pave, or cause to be paved, with Stones or Pebbles, in such Manner as the said Overseers shall direct, opposite

Delinquents to be fined 3l.

Further penalty
on delinquents.

posite their respective Lots of Ground, the said Streets or Highways, not exceeding Fifteen Feet in Breadth; and that all and every Person and Persons, not being an Inhabitant or Inhabitants of the said Colonie, but holding or possessing any real Estate, or Lot of Ground therein, shall, within Two Months after they shall be respectively required thereunto by any of the said Overseers, lay with Gravel in such Manner as the said Overseers shall direct, not exceeding Fifteen Feet, in the Streets or Highways opposite their respective real Estates or Lots of Ground; and if any Person shall neglect or refuse to comply with the Directions of any of the said Overseers, respecting such paving or laying the Streets or Highways with Gravel, he or she so offending, shall forfeit and pay for every Month he or she shall so neglect or refuse the Sum of Twenty Shillings.

The streets to be
levelled.

Fine for delin-
quency.

III. And be it further enacted by the Authority aforesaid, That the said Overseers shall from Time to Time direct the said Streets or Highways to be levelled by the Persons who are by this Act compelled to clear or clean the same, in such Parts as they are hereby respectively required to clear or clean the same, in such Manner as to the said Overseers shall appear most promotive of public Convenience. And if any Person shall neglect or refuse to comply with the Directions of the said Overseers, given in Pursuance of this Clause, he or she so offending, shall for every Month he or she shall so neglect or refuse, forfeit the Sum of Ten Shillings.

Regulating carri-
ages and horsemen.

IV. And be it further enacted by the Authority aforesaid, That every Person or Persons who shall ride or drive with any Carriage, or Horse or Horses, through any of the said Streets or Highways, or any Part thereof, so paved and gravelled as aforesaid, or in any other Part of such Streets or Highways, faster than a common Trot, shall, for every such Offence, forfeit the Sum of Three Shillings.

Overseers how
elected.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Freeholders and Inhabitants of the said Colonie, at their annual Elections for Town Officers, yearly to elect Two Freeholders to be Overseers of the Highways, to carry this Act into effect.

Fines how reco-
vered and applied.

VI. And be it further enacted by the Authority aforesaid, That every Fine and Penalty incurred in pursuance of this Act, shall and may be sued for, and recovered by the Overseers aforesaid, in their Names, before any Justice of the Peace of the County of Albany, and when so recovered shall be retained by the said Overseers, to be applied to the special Purpose of constructing Bridges in the said Colonie, and after such Bridges shall be compleated, to improving and amending the said Street or Highways in such Manner as the said Overseers shall from Time to Time deem proper.

C H A P. XLV.

A N A C T for the more effectual draining a certain Tract of Meadow Land in Newtown, in Queens County. Passed the 22d of April, 1786.

Preamble.

WHEREAS there is a certain Tract of Meadow in Newtown, in Queens County, which is often covered with Water for Want of being properly drained. AND WHEREAS Charles Roach and others, Inhabitants of Newtown aforesaid, by their Petition to the Legislature in the present Session, have prayed that the Owners of the said Meadow may be compelled to Drain the same. Therefore,

Owners to make
a ditch to drain the
meadow.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Owners or Proprietors of the said Meadow shall Cause the same to be drained, by making and keeping properly cleared a sufficient Ditch for that Purpose, from the Upland of the said Charles Roach, to the Division Line between Abraham Rapalje and Ann Fish, and running as the Main Ditch now does, through the said Meadow. AND FURTHER, that each and every Owner or Proprietor of any Part of the said Meadow, shall from Time to Time, at his or her own Expence, cause his or her proportionable Part of the said Ditch to be made and properly cleared, according to his or her Right, Interest or Share of or in the said Meadow.

II.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Owners or Proprietors of the said Meadow for the Time being, to meet together at the Dwelling House of Gabriel Smith, in Newtown aforesaid, on the First Tuesday of June next, and yearly and every Year thereafter on the First Tuesday in May yearly, at such Place in Newtown aforesaid, as shall be appointed for that Purpose by a Majority of them at their First or any other annual Meeting, and then and there to elect and choose such or so many Person or Persons to superintend and direct the making and clearing such Ditch, as the said Owners or Proprietors, or the major Part of them so met together shall think proper. And such Person or Persons, so elected and chosen, shall from Time to Time, whenever it shall be necessary, direct how much and what Part of the said Ditch each and every Owner or Proprietor of the said Meadow shall make or clear, and in what Manner the same shall be made or cleared; and give Notice thereof to them respectively in Writing, or Cause such Notice to be fixed up in some public Place, in Newtown aforesaid. And if any or either of such Owners or Proprietors shall not, within Fifteen Days after such Notice, make or clear his or her Part of the said Ditch, then the Person or Persons so elected and chosen, shall and may cause the same to be done, and the Expence thereof shall be paid by the Owner or Proprietor who ought to have done the same. And the Person or Persons so elected and chosen, are hereby authorized to sue for and recover such Expence by Action of Debt, with Costs of Suit, before any Justice of the Peace in the County aforesaid. But in Case any such Owner or Proprietor is or shall be under Age, or out of the said County, then it shall be lawful for the said Person or Persons so elected and chosen, to take and receive the Rents or Profits of the Part or Share of the said Meadow, belonging to such Person or Persons so under Age or Absent, to the Amount and in Payment of the said Expence.

Mode of electing persons to superintend the clearing of said ditch.

Owners to be assigned their proportions, and notified.

Duty of the director.

Rents of minors, &c. how applied.

C H A P. XLVI.

A N A C T to amend an Act, entitled, "An Act for Building a Court-House and Gaol in Queens County, and for repairing the Court-House and Gaol in Suffolk County, and for other Purposes. Passed the 25th of April, 1786.

WHEREAS by an Act, entitled, "An Act for building a Court-House and Gaol in Queens County, and for repairing the Court-House and Gaol in Suffolk County, and for other Purposes," passed the Thirty-first Day of March, in the Year of our Lord One Thousand Seven Hundred and Eighty-five, it was enacted, that the Supervisors of the several Towns and Districts in the said County, for the Time being, should, and they were thereby authorized and required, to direct to be raised and levied on the Freeholders and Inhabitants of the said County, a Sum not exceeding Two Thousand Pounds, for building a Court-House and Gaol in the said County. AND WHEREAS the Persons appointed in and by the said Act, to superintend and direct the building of the said Court-House and Gaol in the said County of Queens, have proceeded so far in the said business that the House for the Purpose has been raised and inclosed, but no Part of the Monies directed by the said Act has been raised or levied. AND WHEREAS many of the Freeholders and Inhabitants of the said County of Queens, have petitioned the Legislature in the present Session, praying that the said House may be removed, and put in a more suitable and convenient Place. Therefore,

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful for the Judges of the Court of Common Pleas, in and for Queens County aforesaid, and the Supervisors of the said County for the Time being, or the major Part of them, either to Cause the said House to be removed, and put and finished in a more convenient Place, or to be finished where it now stands, as to them, or the major Part of them shall seem most Proper and for the best Advantage and Convenience of the Freeholders and Inhabitants of Queens County aforesaid. And to apply for that Purpose all such Monies as now are, or hereafter may be in the Hands of the

Power of the Judges and Supervisors of Queens county, relative to a court-house, &c.

Treasurer

Treasurer of Queens County aforesaid, by Virtue of an Act, entitled, "An Act for the more effectual Collection of the Arrears of Taxes," passed in the present Sessions of the Legislature, and not otherwise appropriated. And if the said Monies shall not be sufficient for the Purposes aforesaid, then it shall be lawful for the Supervisors of Queens County aforesaid, or the major Part of them, to Cause so much of the said Sum of Two Thousand Pounds, but not exceeding the Sum of Eight Hundred Pounds, as the said Judges and Supervisors, or the major Part of them, shall think necessary for the Purposes aforesaid, to be assessed, raised, levied and collected in the Manner the necessary and contingent Charges of the said County are, or ought to be assessed, raised, levied and collected, and to be paid into the Hands of the Treasurer of Queens County aforesaid, at such Time as the said Judges and Supervisors, or the major Part of them shall direct.

County Treasurers
to pay monies to the
orders of Judges &
Supervisors.

II. And be it further enacted by the Authority aforesaid, That the Treasurer of Queens County aforesaid, shall, and he is hereby required to pay the said Monies so in his Hands, and the Monies so to be raised as aforesaid, in such Manner as the said Judges and Supervisors, or the major Part of them, shall from Time to Time, by Warrant under their Hands and Seals, direct and appoint.

Time of their
meeting.

III. And be it further enacted by the Authority aforesaid, That the said Judges and Supervisors shall meet together for the Purposes aforesaid, on the First Tuesday in June next, at the House of Benjamin Cheesman, in North Hempstead; and it is hereby made the Duty of the Clerk of the Supervisors, to give them Notice thereof; and it shall and may be lawful for the said Judges and Supervisors, or the major Part of them so met, to adjourn to any other Time, and further to adjourn from Time to Time as they may think proper.

Persons appointed
to cause a yard to be
made adjoining to
Goshen court house.

Expence how to
be paid.

IV. And be it further enacted by the Authority aforesaid, That the Sheriff of the County of Orange, with Henry Wisner, Esquire, and Coe Gale, Merchant of the said County, may cause a Yard to be made adjoining the Court-House, in Goshen, in the County aforesaid, in such Manner as they or the Survivors or Survivor of them may think proper, and the Expence of making the same shall be levied and paid by the Precincts of Goshen and Cornwall, in the said County, in the same Proportions as the other contingent Charges of the said Precincts are levied and paid.

C H A P. XLVII.

A N A C T to Naturalize the Persons therein named. Passed the 25th of April, 1786.

Preamble.

WHEREAS Peter M'Dougal, James Brebner, Alexander Riddle, Andrew Brown, Hugh Henderson, Thomas Vaughan James, John Robertson, James Philips, John Goodeve, Alexander Lindsay, George Barnewall, John Given, James Caldwell, junior, William M'Math, John Cary, John Steuart, John M'Donald, Conrad Beehrig, Samuel Kerr, James Saidler, George Shea, John M'Carthy, Stephen Menton, George Courtauld, William Hill, George Cyder, Henry Sadler, William Bailie, Carlile Pollock, George Pollock, William Makee, James Mason, Hugh Smith, John Sullivan, Gibbon Bourke, Andries Morris, Charles Naylor, John Campbell, David Reedy, Francis Pans, John Turner, junior, Johannis Henricus, Andries Wynants, John Tatton, Louis Chollet, Frederick Chollet, Henry Pope, Thomas Price, Alexander Carens, Nathaniel Osburn, David C. Franks, William Kidson, Dirck Zeeman, Fox Smith, Philip Boyd, John Perken, Alexander M'Auley, John Franklin, Christopher Smith, George Fisher, Peter Ropp, Samuel Norton and Martha his Wife, Samuel Judah, James Macombe, Robert Wilson, James M'Keoun, James Inglis, John Johnson, Marin Francis Durand, Christopher Kinsman, William Wade, Andrew Stroudman, John Fentfreyde, Peter Sailley, James Rouse, Duncan M'Laran, Hugh Chalmers, John Houlroyd, Joseph Hudswell, James Forest, John Hudswell, John Cary, James M'Intosh, James Grant, Henry Afdore, John Keyser, Lewis Dixon, Thomas Warr and Samuel Kelly, have, by their several Petitions, prayed to be naturalized,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the above named Persons shall be, and they are hereby respectively naturalized; and shall, from and after having taken and subscribed in any Court of Record within this State, the Oath of Allegiance to this State, and abjured and renounced all Allegiance and Subjection to all and every Foreign King, Prince, Potentate and State, in all Matters Ecclesiastical as well as Civil, be deemed Citizens of this State, to all Intents, Constructions and Purposes whatsoever, and that the Court in which any of the Persons herein before mentioned shall be admitted to take such Oath, shall Cause an Entry thereof to be made in the Minutes of the said Court, and shall give a Certificate to such Persons respectively, purporting that such Person hath been admitted to such Oath, in the said Court, in Pursuance of this Act, and such Persons, upon taking such Oath, shall respectively pay to the Judges of such Court Six Shillings, and to the Clerk thereof Three Shillings. *PROVIDED ALWAYS,*

The terms upon which they shall be deemed citizens.

II. *And be it further enacted by the Authority aforesaid,* That such of the Persons above named, and hereby naturalized, as shall not take the Oath of Allegiance and Abjuration aforesaid, in Manner herein before directed, within Twelve Calendar Months next after the passing of this Act, shall have no Manner of Benefit by this Act, any thing herein contained to the Contrary notwithstanding.

Penalty for non-compliance.

III. *And be it further enacted by the Authority aforesaid,* That John Leake Norton, Robert Burrige Norton, and Samuel John Leake Norton, Children of the said Samuel Norton, and Martha his Wife, shall be, and each and every of them is and are hereby naturalized, to all Intents, Constructions and Purposes whatsoever, and from henceforth, and at all Times hereafter, shall be entitled to, and have and enjoy all the Rights, Liberties, Privileges and Advantages, which the Citizens of this State have and enjoy, or ought to have and enjoy, as fully, to all Intents and Purposes whatsoever, as if all and every of them had been Born in this State: *PROVIDED ALWAYS,* that the said John Leake Norton, Robert Burrige Norton, and Samuel John Leake Norton, shall respectively take the Oath of Allegiance and Abjuration aforesaid, within One Year after they shall respectively arrive to the Age of Fourteen Years.

Four others naturalized.

IV. *And be it further enacted by the Authority aforesaid,* That any Lands, Tenements, or Hereditaments, purchased within this State previous to the passing of this Act, by any of the Persons herein before mentioned, shall not, on Account of such purchase being previous to the passing of this Act, Escheat to the People of this State, but shall vest in such Purchaser, in the same Manner as if such Purchaser had been naturalized at the Time of such purchase, any thing in any Law to the Contrary hereof notwithstanding.

Lands, &c. formerly purchased by any of the foregoing, to vest in them.

C H A P. XLVIII.

A N A C T *acceding to the Acts of Congress of the Twenty-Seventh of September and the Twelfth of October, One Thousand Seven Hundred and Eighty-Five. Passed the 28th of April, 1786.*

WHEREAS the United States in Congress assembled, in and by their Act of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty-five, among other Things made a Requisition on this State for the Sum of Two Hundred and Fifty-six Thousand Four Hundred and Eighty-six Dollars, in such Manner, that the One-third of which Sum being paid in actual Money, the other Two-thirds may be Discharged by the Interest due upon Loan-Office Certificates and upon other Certificates of the liquidated Debts of the United States. Therefore,

Preamble respecting a requisition of Congress,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the said Act of Congress, of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty-five, so far forth as the same relates to this State be, and the same is hereby fully acceded to.

acceded to;

Payments to be made by the Treasurer of this State to the United States, one third in specie,

and two thirds in certain certificates.

To prevent depreciation of certificates.

Deficiency to be paid in specie.

Preamble respecting deficiencies of the States.

Respecting deficiency of this State.

II. *And be it further enacted by the Authority aforesaid,* That the Treasurer of this State shall be, and he is hereby required to pay to the Continental Loan-Officer within this State, or to the Order of the United States in Congress assembled, on or before the First Day of May next, out of any Money which may be in the Treasury of this State, the One-third Part of the said Sum of Two Hundred and Fifty-six Thousand Four Hundred and Eighty-six Dollars in Gold or Silver Coin, amounting to Eighty-five Thousand Four Hundred and Ninety-five Dollars and Thirty Ninetieths of a Dollar; and the other Two-thirds of the said Sum of Two Hundred and Fifty-six Thousand Four Hundred and Eighty-six Dollars, amounting to One Hundred and Seventy Thousand Nine Hundred and Ninety Dollars and Sixty Ninetieths of a Dollar, in the Certificates to be issued in Payment of the Interest of the Domestic Debt of the United States previous to the First of January, One Thousand Seven Hundred and Eighty-five, conformable to the said Requisition of Congress, dated the 27th of September, One Thousand Seven Hundred and Eighty-five. And the Treasurer of this State is hereby required, from Time to Time, to transmit to the Continental Loan-Officer within this State, all such Loan-Office Certificates issued out of the said Loan-Office, as now are, or hereafter from Time to Time shall come into his Hands; and all other Certificates of liquidated Debts of the United States, which by any Law of this State are, or may be receivable in the Treasury, and to have the Interest settled and certified, agreeable to the Directions in the aforesaid Act of the United States in Congress assembled, of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty-five. And also to transmit all such Loan-Office Certificates as have been issued out of the Loan-Offices of any other of the United States, and which now are, or hereafter may from Time to Time come into his Hands, to the Loan Offices from which such Loan-Office Certificates respectively issued, and to have the Interest settled and certified as by the said Act of Congress is directed; And the Interest due on all such Loan-Office Certificates as aforesaid, and upon all other Certificates of the liquidated Debts of the United States, so settled and certified as aforesaid, to pay towards the Discharge of the said Sum of One Hundred and Seventy Thousand Nine Hundred and Ninety Dollars and Sixty Ninetieths of a Dollar, being the Two-thirds of the above mentioned Requisition.

And for preventing the Depreciation of Certificates, to be issued in Pursuance of the said Act of Congress of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty-five.

III. *Be it further enacted by the Authority aforesaid,* That if on the First Day of January, One Thousand Seven Hundred and Eighty-seven, Certificates so to be issued as aforesaid, to the Amount of the said Sum of One Hundred and Seventy Thousand Nine Hundred and Ninety Dollars and Sixty Ninetieths of a Dollar, shall not be in the Hands of the Treasurer of this State, or shall not by him before that Time be paid to the Continental Loan-Officer within this State, or to the Order of the United States in Congress assembled, the Deficiency shall be paid into the Continental Treasury, or to the Order of the United States in Congress assembled, in Specie, by the Treasurer of this State, out of any Monies which may be in the Treasury.

AND WHEREAS the United States in Congress assembled, by their Act of the Twelfth of October One Thousand Seven Hundred and Eighty-five, required such of the States as were deficient in paying their respective Quotas of the Interest of the Domestic Debt, pursuant to the Requisition of the Fourth of September, One Thousand Seven Hundred and Eighty-two, and the Twenty-seventh and Twenty-eighth of April, One Thousand Seven Hundred and Eighty-four, to collect and pay into the public Treasury the Amount of such Deficiencies, either in Certificates to be issued by the Commissioners of the Continental Loan-Offices, pursuant to the Requisition of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty-five, for the Payment of the said Interest, or in Specie, to be applied to the Redemption of such Certificates: AND WHEREAS the Deficiency of this State upon the said Requisitions, is Fifty-four Thousand Dollars, the Quota of One Million Two Hundred Thousand Dollars, apportioned to this State by the Act of Congress of the Fourth of September, One Thousand Seven Hundred and Eighty-two.

IV. *Be it enacted by the Authority aforesaid*, That the Treasurer of this State be, and he is hereby required to pay to into the Treasury of the United States, or to the Order of the United States in Congress assembled, in any Certificates to be issued by the Commissioners of the Continental Loan-Offices, pursuant to the Requisition of the Twenty-seventh of September, One Thousand Seven Hundred and Eighty five, the said Sum of Fifty-four Thousand Dollars, required of this State by the aforesaid Act of the Twelfth of October, One Thousand Seven Hundred and Eighty-five, being the Quota of One Million Two Hundred Thousand Dollars, apportioned to this State by the aforesaid Act of the Fourth of September, One Thousand Seven Hundred and Eighty-two, and the Whole of the Deficiency of this State upon the said Requisition of the Fourth of September, One Thousand Seven Hundred and Eighty-two, and the Twenty-seventh and Twenty-eighth of April, One Thousand Seven Hundred and Eighty-four.

To be paid in loan-office certificates.

C H A P. XLIX.

A N A C T *supplementary to the Act, entitled, An Act to appoint Agents or Commissioners for vindicating the Right and Jurisdiction of this State against the Claims of the Commonwealth of the Massachusetts, pursuant to the Articles of Confederation and perpetual Union of the United States.* Passed the 28th of April, 1786.

WHEREAS in and by the Act, entitled, "An Act to appoint Agents or Commissioners for vindicating the Right and Jurisdiction of this State against the Claims of the Commonwealth of the Massachusetts, pursuant to the Articles of Confederation and perpetual Union of the United States," passed the 12th of November, 1784; James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston, Esquires, were declared to be Agents for this State, in the Controversy between this State and the Commonwealth of the Massachusetts, as mentioned in the said Act. AND WHEREAS the said John Jay, and Walter Livingston, have informed this Legislature, that they cannot attend the Duties required of them by the said Act, by Reason of the Offices they severally hold under the United States, and have requested to resign their Appointments as Agents in the Controversy aforesaid, whereby it is become necessary that other Persons be appointed in the Place of the said John Jay, and Walter Livingston. Therefore,

Preamble respecting agents appointed by act of 12th Nov. 1784.

Relative to the resignation of two of the agents.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same*, That John Haring, Melancton Smith, Robert Yates and John Lansing, Junior, Esquires, be, and they are hereby appointed and declared to be Agents in the Place of the said John Jay and Walter Livingston, for this State in the Controversy aforesaid. And in Order that the said Controversy may be brought to a speedy Issue,

Other agents appointed.

II. *Be it further enacted by the Authority aforesaid*, That the said James Duane, Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith, Robert Yates and John Lansing, Junior, or such of them as shall attend the Trial of the Controversy aforesaid, at the Federal Court appointed to determine the same, have a Credit on the Treasury for a Sum not exceeding Four Thousand Pounds, to be paid them by the Treasurer of this State on Account.

Credit given to the agents on the treasurer.

III. *And be it further enacted by the Authority aforesaid*, That it shall and may be lawful for the said James Duane, Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith, Robert Yates and John Lansing, Junior, or any Five or more of them, to settle the said Controversy between this State and the Commonwealth of the Massachusetts, otherwise than by the said Federal Court, as mentioned in the said Act, in such Manner as they shall judge most conducive to the Interest of this State.

Their powers and authority.

C H A P. L.

A N A C T *supplementary to an Act, entitled, An Act to appoint Commissioners to settle and adjust any differences which may arise between the Proprietors of certain Lots in the City of New-York, the Buildings whereof were Burnt in the Year 1776, and for altering the Streets which heretofore were laid out adjoining to such Lots.*
Passed the 28th of April, 1786,

Preamble.

WHEREAS it is represented by the Mayor, Aldermen and Commonalty of the City of New-York, in Common Council convened, that in pursuance of the Law of this State, entitled, "An Act to appoint Commissioners to settle and adjust and differences which may arise between the Proprietors of certain Lots in the City of New-York, the Buildings whereof were Burnt in the Year 1776, and for altering the Streets which heretofore were laid out adjoining to such Lots," passed the 4th Day of May, 1784, the Corporation did appoint Peter Van Brugh Livingston, Leonard Lispenard, Abraham Lott, Henry Remsen and Gerard Bancker, Esquires, as Commissioners for laying out the Streets in such Parts of the said City as have been destroyed by Fires which have happened therein during the late War: That among other Streets, the said Commissioners did lay out the Street commonly called Greenwich Street, in the West Ward of the said City, to be Sixty Feet Wide, and to be continued from the South Side of Cortlandt Street to the Battery: That the Plan and Report of the said Commissioners were laid before and approved of by the said Corporation; but that the Mode in and by the said Law directed for ascertaining the Damages supposed to be sustained by the Proprietor or Proprietors of any such Lot or Lots is wholly inadequate, and that the said Law hath in other respects been found by Experience not to Answer the good Purposes for which it was intended. Therefore,

Appraisers of
certain Lots affected
by the continuation
of Greenwich Street

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That instead of Appraisers in and by the said Law directed to be appointed by the Proprietor or Proprietors of such Lot or Lots respectively on the one Part, and by the Corporation on the other Part, it shall and may be lawful to and for the said Peter Van Brugh Livingston, Leonard Lispenard, Abraham Lott, Henry Remsen and Gerard Bancker, Esquires, or any Three of them, to Appraise each Lot, which is altogether taken into Greenwich Street aforesaid, and shall also, upon a full and equitable Investigation of all the Circumstances attending the Alteration and Continuation of the Street aforesaid, Determine and Award the lessened or advanced Value of each Lot, occasioned by such Alteration and Continuation as aforesaid, whether the Quantity of Land in any Lot continues the same, or has been diminished or increased, and shall Report their Determination and award thereon in Writing to the said Corporation, in order that Provision may be made as in the said Law is directed for paying the Proprietor or Proprietors, his, her or their lawful Representative or Representatives, the full Amount of the Damage so adjudged to be sustained by him or them, by the taking in as aforesaid, of his, her or their Lot or Lots, or by the Decrease in Value of his, her, or their said respective Lot or Lots, with the Interest at Five per Cent. to incur after the Expiration of Six Months from the Time of such Appraisement as aforesaid: And that the Amount of such Sum or Sums of Money, as any such Lot or Lots shall be adjudged and reported by the said Commissioners, in Manner aforesaid, to have been worth or increased in Value, shall be deemed a Debt due from the Proprietor or Proprietors thereof, his, her or their lawful Representative or Representatives, to the said Corporation, and shall and may be recovered at the Suit of the Chamberlain thereof, in any Court of Record within this State, with like Interest at Five per Cent. to incur after the Expiration of Six Months from the Date of such Appraisement, with Costs of Suit

Former appraisements
not to be affected, &c.

PROVIDED ALWAYS, that nothing in this Act contained shall be taken, deemed or construed to affect, annul, or render void any Appraisement heretofore made by Virtue of the said in Part recited Act, unless by the voluntary Consent of the Parties to such former Appraisement.

C H A P. LI.

A N A C T to promote the Manufactory of Iron. Passed the 28th April, 1786.

WHEREAS Samuel Ogden, William Constable, William Neilson, Solomon Simpson, Alexander Stewart and Others, have represented, that they are disposed to associate themselves, by the Name of "The associated manufacturing Iron Company of the City and County of New-York," for the Purpose of promoting the manufacturing of Iron in this State. Therefore,

Preamble, respecting a manufacturing Iron Company.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the said Samuel Ogden, William Constable, William Neilson, Solomon Simpson, Alexander Stewart and Others their Associates, shall severally and respectively be liable for every Debt contracted on the Credit of the said Company, by the Name aforesaid, for the special Purposes of promoting the manufacturing of Iron, in such Proportion of the Whole of the said Debts, from Time to Time contracted on the Credit of the said Company, as his or her Subscription or Stock shall bear to the whole Amount of the Stock of the said Company, without regard to the Sums by the said Co-partners respectively paid, for the Discharge of any other Debts by the said Company contracted: And that such Persons, composing the said Company, shall not be jointly liable for the Discharge of such Debts beyond the whole Stock of the Company, any Law, Usage or Custom to the Contrary thereof notwithstanding.

Made severally liable for debts.

PROVIDED ALWAYS, that a Duplicate of the original Articles of Agreement subscribed by all the Persons composing such Company, and particularly specifying the Shares and Amount in Value thereof, of each of them, in the said Stock of the Company, shall, within Four Months after the passing of this Act, be filed in the Office of the Clerk of the City of New-York, to which Duplicate every Person who shall from Time to Time be admitted of the said Company, shall from Time to Time subscribe his or her Name, and specify his or her Share in the said Stock of the said Company, and no Person whose Name shall not be signed to the said Duplicate Agreement filed in the Clerk's Office, shall receive any Benefit from the Provision made by this Act.

Duplicates of agreements to be filed in the Clerk's office of New-York.

II. And be it further enacted by the Authority aforesaid, That this Act shall be in Force for the Term of Seven Years and no longer.

Act to continue 7 years.

C H A P. LII.

A N A C T to empower certain Persons therein named to sell and dispose of the real Estate of John Aspinwall, deceased, for the Payment of his Debts, and for other Purposes therein mentioned. Passed the 28th of April, 1786.

WHEREAS John Aspinwall, late of the City of New-York, Merchant, did, in and by his Testament and last Will, among other Things direct, that all his Debts and Funeral Charges should be paid out of his personal Estate; and after certain specific Legacies therein mentioned, did devise and bequeath all the Remainder of of his Estate, both real and personal whatsoever and wheresoever, to be equally divided among his Children, with certain contingent Remainders and executory Devises therein limited and expressed, and did appoint his Wife, Rebecca Aspinwall, Executrix, and William Smith, Paschal N. Smith and Benjamin Kiffam, Executors of his said Testament and last Will: AND WHEREAS, the said Rebecca Aspinwall, Executrix, and Paschal N. Smith, surviving Executor, and others, Devisees of the same Testament and last Will, have presented a Petition to this Legislature, setting forth, among other Things, that from the Impediments occasioned by the late War to the recovery of the Debts due to the Estate, and from other Circumstances, it was out of the Power of the said Executors, with the Proceeds of the personal Estate, to satisfy the Demands of the Creditors of the said deceased, and that the said Executors are threatened with Suits, which if prosecuted would be productive of much Expence, and by forcing the Sale of the real Property upon Executions, would tend to the great Loss and Injury of the Devisees of

Preamble, relative to John Aspinwall's will.

of the said deceased ; and also, that there is no Power given in and by the said Testament and last Will to any Persons to make Sale of any Part of the real Estate, and that as all the Devisees of the same are Minors, there is no Method, without the aid of this Legislature, of disposing of any Part of the said real Estate, to satisfy the Creditors, and prevent the Inconveniences aforesaid ; and that it would be greatly conducive to the Interest and Benefit of the Children of the said deceased, that a Power should be given to certain Trustees, to be appointed by this Legislature, to make Sale of so much of the real Estate of the said John Aspinwall, as to them shall appear advisable, and for the Advantage of the Parties interested under the said Will ; and did therefore pray Leave to bring in a Bill to vest certain Trustees therein to be named, with the Power and Authorities necessary for the Purposes aforesaid. AND WHEREAS it is also represented, that it would be prejudicial to the Interest of the said Devisees and Legatees under the said Will, if the Executors should be compelled to sell certain public Securities, Parcel of the said personal Estate of the said John Aspinwall, for the Payment of the said Debts. AND WHEREAS this Legislature are disposed to grant the Prayer of the said Petition, so far as may be necessary for doing Justice to Creditors, without injuring the Interest of the said Devisees or Legatees, and providing for the Maintenance and Education of the Children of the said deceased :

Trustees appointed, and their duty.

I. *Be it therefore enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the said Rebecca Aspinwall, Widow and Executrix, and the said Paschal N. Smith, of the City of New-York, Merchant, surviving Executor of the Testament and last Will of the said John Aspinwall, deceased, John Blagge and Samuel Franklin, of the said City, Merchants, be, and they, or a Majority of them, are hereby appointed Trustees, with full Power and Authority to sell and dispose of so much of the real Estate of the said John Aspinwall, deceased; as may be necessary for paying off and discharging the Debts of the said deceased, together with such lawful Interest as may have accrued since his Death, and as may be further necessary for maintaining and educating such of his Children, being Minors, until they arrive at full Age ; and good and sufficient Conveyances and Assurances in the Law, to make, seal and deliver to the Purchaser or Purchasers of such real Estate, which Conveyances and Assurances shall be good and effectual to such Purchaser or Purchasers, to all Intents, Constructions and Purposes, as if made by the said deceased in his life Time.*

Proviso, relative to Trustees.

PROVIDED ALWAYS, that the said Trustees shall be answerable for the due and faithful Execution of the Trust reposed in them, as in other like Cases of Trust, according to the true Intent and Meaning of this Act. AND PROVIDED ALSO, that the said Trustees shall not sell or dispose of any Part of the said real Estate, but such as the Chancellor of this State shall by his Order direct, and shall determine to be beneficial to the Interest of the said Devisees being Minors. AND, PROVIDED ALSO, that such Trustees shall, before they execute any of the Trusts reposed in them by this Act, give Bond with Security, to be approved of by the Chancellor, in such Sum as he shall appoint for the due and faithful Execution of the Trusts reposed in them in and by this Act.

Trustees to give bond.

C H A P. LIII.

A N A C T supplementary to the Act, entitled, *An Act to authorize the United States in Congress assembled, to appoint Commissioners to complete the running a certain Line of Jurisdiction therein mentioned, between this State and the Commonwealth of Massachusetts.* Passed the 29th of April, 1786.

Preamble.

WHEREAS it is represented that great difficulties will probably occur in ascertaining on what Angle, from the Magnetic Meridian, the Line of Jurisdiction between this State and the Commonwealth of Massachusetts should be run ; to remove which,

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That it shall and may be lawful to and for Robert Yates, Philip Schuyler and Gerard Bäncker, Esquires, or any Two of them, with the Assistance of John Ewing, David Rittenhouse and Thomas Hutchins, Esquires, Commissioners appointed by the United States in Congress, to agree with the Agents of the Commonwealth of Massachusetts, on what Principles the said Line shall be run, and if such Agreement cannot be effected, then the said John Ewing, David Rittenhouse, and Thomas Hutchins, or any Two of them, are hereby authorized and empowered to run the said Line in the Direction mentioned in the Act, entitled, "An Act to authorize the United States in Congress assembled to appoint Commissioners to complete the running a certain Line of Jurisdiction therein mentioned, between this State and the Commonwealth of Massachusetts," passed the Seventh Day of March, 1785, on such Principles as to the said John Ewing, David Rittenhouse and Thomas Hutchins, or any Two of them, shall appear the most accurate to ascertain the true Direction of the said Line.

Commissioners appointed to ascertain the jurisdiction line between this State and Massachusetts.

C H A P. LIV.

A N A C T to promote Literature. Passed the 29th of April, 1786.

WHEREAS it is agreeable to the Principles of natural Equity and Justice that every Author should be secured in receiving the Profits that may arise from the Sale of his or her Works; and such Security may encourage Persons of Learning and Genius to publish their Writings, which may do Honour to their Country and Service to Mankind.

Preamble.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Author of any Book or Pamphlet, being an Inhabitant or Resident in these United States, and his or her Heirs and Assigns, shall have the sole Liberty of printing, publishing and vending the same within this State, for the Term of Fourteen Years, to commence from the Day of its first Publication in this State; and if any Person or Persons within the said Term of Fourteen Years as aforesaid, shall presume to print or re-print any such Book or Pamphlet within this State, or to import or introduce into this State for Sale, any Copies of such Book or Pamphlet, re-printed beyond the Limits of this State, or shall knowingly publish, vend, utter or distribute the same, without the Consent of the Proprietor thereof in writing, signed in the Presence of Two credible Witnesses, every such Person or Persons shall forfeit and pay to the Proprietor of such Book or Pamphlet double the Value of all the Copies of such Book or Pamphlet so re-printed, imported, distributed, vended or exposed to Sale, to be recovered by such Proprietor in any Court of Law in this State, proper to try the same. **PROVIDED NEVERTHELESS,** that no Author, Assignee or Proprietor of such Book or Pamphlet, shall be entitled to take the Benefit of this Act, until he or she shall duly Register his or her Name, as Author, Assignee or Proprietor, with the Title of such Book or Pamphlet in the Office of the Secretary of this State, who is hereby empowered and directed to enter the same on Record.

Certain privileges given to authors of books and pamphlets, to continue for 14 years.

Proviso.

II. *And be it further enacted by the Authority aforesaid,* That at the Expiration of the said Term of Fourteen Years, in the Cases above mentioned, the sole Right of printing and disposing of any such Book or Pamphlet in this State, shall return to the Author thereof, if then living, and his or her Heirs and Assigns, for the Term of Fourteen Years more, to commence at the End of the said First Term, and that all and every Person or Persons who shall re-print, import, vend, utter or distribute in this State any Copies thereof, without the Consent of such Proprietor obtained as aforesaid, during the said Second Term of Fourteen Years, shall be liable to the same Penalties, recoverable in the same Manner as is herein before enacted and provided.

Privilege renewable for 14 years more.

Preamble,

AND WHEREAS it is equally necessary for the Encouragement of Learning, that the Inhabitants of this State be furnished with useful Books at reasonable Prices:

III.

Regulating pro-
priators of books for
the public service.

Delinquents to
lose their privilege.

Penalty for print-
ing and publishing
manuscripts without
consent.

Proviso.

Trustees empow-
ered to erect an aca-
demy at Flat-Bush.

III. *Be it further enacted by the Authority aforesaid,* That whenever any such Author or Proprietor of such Book or Pamphlet shall neglect to furnish the Public with sufficient editions thereof, or shall sell the same at a Price unreasonable and beyond what may be adjudged a sufficient Compensation for his or her Labour, Time, Expences and Risque of Sale, any One of the Judges of the Supreme Court of Judicature of this State, on Complaint made thereof to him in writing, is hereby authorized and empowered to summon such Author or Proprietor, to appear at the next Supreme Court of Judicature, and the said Court are hereby authorized and empowered to enquire into the Justice of the said Complaint, and if the same be found true, to take sufficient Recognizance and Security of such Author or Proprietor, conditioned that he or she, shall, within such reasonable Time as the said Court shall direct, publish and offer for Sale in this State, a sufficient Number of Copies of such Book or Pamphlet, at such reasonable Price as the said Court shall on due Consideration affix, and if such Author or Proprietor shall neglect or refuse to give such Security as aforesaid, the said Court are hereby authorized and empowered to give such Complainant a full and ample Licence to re-print and publish such Book or Pamphlet in such Numbers and for such Term as the said Court shall judge just and reasonable: PROVIDED such Complainant shall give sufficient Security before the said Court to afford such re-printed Edition at such reasonable Price as the said Court shall thereto affix.

IV. *And be it further enacted by the Authority aforesaid,* That any Person or Persons who shall procure and print any unpublished Manuscript, without the Consent and Approbation of the Author or Proprietor thereof first had and obtained, if such Author or Proprietor be living and resident in, or Inhabitant of these United States, shall be liable to pay to the said Author or Proprietor his or her Damages for such Injury, to be recovered with Costs, by Action brought on this Act in any Court of Record. PROVIDED ALWAYS, that nothing in this Act shall extend to effect, prejudice or confirm the Rights which any Person may have to the printing or publishing of any Book, or Pamphlet, at Common Law, in Cases not mentioned in this Act; or to authorize any Person or Persons to print or publish any Book, Pamphlet or Paper that may be profane, treasonable, defamatory or injurious to Government, Morals or Religion. PROVIDED ALSO, that this Act shall not extend or be construed to extend in Favor, or for the Benefit of any Author or Person residing in, or Inhabitant of any other of the United States, until the State in which such Person resides or dwells shall have passed similar Laws in Favor of the Authors of such new Publications and their Heirs and Assigns.

V. *And be it further enacted by the Authority aforesaid,* That the Trustees of the reformed Protestant Dutch Church, of Flat Bush, in the County of Kings, shall be, and they are hereby authorized to grant, bargain and sell, in Fee Simple, such Part or Parts of their real Estate within the said County, to such Person or Persons, and for such Price or Prices as they may think proper, for the express Purpose of erecting an Academy in the said County: PROVIDED, that the Quantity which the said Trustees shall grant and convey by Virtue of this Act, shall not exceed Six Acres.

C H A P. LV.

A N A C T to ascertain the South Bounds of the Township of Beekman, lying on the West Side of Lake Champlain. Passed the 29th of April, 1786.

Preamble.

WHEREAS by Letters Patent under the Great Seal of the late Colony of New-York, bearing Date the 27th Day of March, in the Year One Thousand Seven Hundred and Sixty-nine, all that certain Tract or Parcel of Land, situate, lying and being on the West Side of Lake Champlain, in the then County of Albany, now Washington, in the then Colony, now State of New-York, beginning on the West Bank of the said Lake, at the Distance of Thirty-six Chains, measured on a Course North Forty-three Degrees West from a Bass Wood Tree standing on the Banks of the said Lake, at the North-east Corner of a Neck of Land, called Cumberland Head or Point, and runs from the said Place of Beginning West Six Hundred and Ninety-one Chains;

Chains; then North Three Hundred and Forty Chains; then East Eight Hundred and Fifty-six Chains, to the said Lake; and then along the Lake, as it runs, to the Place where the said Tract begun, containing Twenty-two Thousand Four Hundred and Seventy-five Acres, and the usual Allowance for Highways, was granted to William Beekman and Twenty-nine Others, his Associates. AND WHEREAS Zephaniah Platt has obtained Letters Patent, under the Great Seal of this State of New-York, bearing Date the Twenty-sixth Day of October, One Thousand Seven Hundred and Eighty-four, for a Grant of Thirty-one Thousand Five Hundred Acres of Land, next adjoining the said Tract of the said William Beekman and his Associates, on the South Side thereof: Also, another Patent for Two Thousand Nine Hundred Acres of Land, partly adjoining the Land of the said William Beekman and his Associates as aforesaid. AND WHEREAS Doubts have arisen concerning the true Place of Beginning of the said Patent of the said William Beekman and his Associates. AND WHEREAS the Parties interested in the said several Patents herein before mentioned, have mutually consented, to remove any Doubts and difficulties that might have arisen from the Want of ascertaining the true Place of the Beginning of the said Patent of the said William Beekman and his Associates, as appears by their Petition. Therefore,

I. **BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,** That the South Bounds of the said Tract of Land, granted in Manner aforesaid to the said William Beekman, and Twenty-nine Others, his Associates, shall be a Line which was run by William Cockburn and John Cox, in the Year One Thousand Seven Hundred and Eighty-five, for the South Bounds of a Range of Lots, which in their Map are distinguished by the Numbers Seventy-one, Seventy-two, Seventy-three, Seventy-four, Seventy-five, Seventy-six, Seventy-seven, Seventy-eight, Seventy-nine, Eighty-one and Eighty-two; which said South Bounds are to be continued the same Course eastward, to that Part of the Lake Champlain called the Bay of St. Amont, and westward as far as the South Bounds of the said Tract shall extend, from the most westerly Point of the said South Line North Three Hundred and Forty Chains; then East to Lake Champlain, and then along the said Lake, as it winds and turns, until it intersects the said South Line, on the Bank of that Part of the said Lake, called Bay St. Amont, and which Line above intended to be described is fixed by Mensuration on the said Map, made by the said William Cockburn and John Cox, to lie One Hundred and Twenty-two Chains measured on a Course North, One Degree West from the Mouth of Sandy-Creek, which empties itself into the Cod of Cumberland Bay. PROVIDED ALWAYS, that nothing herein contained shall in any Wise take away or injure the several and respective Rights, Privileges, Immunities and Emoluments of the said William Beekman and Twenty-nine Others his Associates, and of the said Zephaniah Platt respectively contained, mentioned and expressed in their said several Patents, other than that the Line last herein before mentioned, shall be the South Bounds of the said Township of Beekman, and the North Bounds of the said Township of Plattsburgh.

South bounds of Beekman's township fixed.

Proviso, securing rights, &c.

C H A P. LVI.

A N A C T for raising Monies by Tax. Passed the 29th of April, 1786.

I. **BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,** That there shall be raised and levied within this State the Sum of Fifty Thousand Pounds; and that the Quota of the City and County of New-York of the said Sum shall be Thirteen Thousand Pounds; the Quota of the City and County of Albany shall be Four Thousand Seven Hundred Pounds; the Quota of the County of Columbia shall be Two Thousand Three Hundred Pounds; the Quota of the County of Dutchess shall be Five Thousand Pounds; the Quota of the County of Ulster shall be Three Thousand Four Hundred Pounds; the Quota of the County of Orange shall be Two Thousand Eight Hundred Pounds; the Quota of the County of Westchester shall be

Quotas of the several counties.

Three Thousand Four Hundred Pounds ; the Quota of the County of Suffolk shall be Four Thousand Five Hundred Pounds ; the Quota of Queens County shall be Four Thousand Five Hundred Pounds ; the Quota of Kings County shall be Two Thousand Four Hundred Pounds ; the Quota of the County of Richmond shall be One Thousand Six Hundred Pounds ; the Quota of the County of Montgomery shall be One Thousand Six Hundred Pounds ; and the Quota of the County of Washington shall be Eight Hundred Pounds.

Duty of the Corporation of New-York.

Warrants to Assessors.

Warrants to Collectors.

II. And be it further enacted by the Authority aforesaid, That the Mayor, Recorder and Aldermen of the City of New-York, or the major Part of them for the Time being, shall assemble and meet at the City Hall of the said City, on the First Tuesday of September next, and then and there issue their Warrants to the several Assessors of the said City and County to take a true and exact Account of all the Estates real and personal of all the Freeholders, Inhabitants and Residents within the several Wards of the said City and County, for which they at the Time of issuing such Warrants shall be Assessor or Assessors, and true, equal and impartial Assessments to make, and to return the same Accounts and Assessments to the same Mayor, Recorder and Aldermen, on or before the First Tuesday in October next ; and when the same Accounts and Assessments shall be delivered to the said Mayor, Recorder and Aldermen, they, or the major Part of them, shall Cause the Amount thereof to be cast up, and compute and ascertain, and then insert in such Assessment Rolls respectively, the Sum each Person is to pay of the said Sum of Twelve Thousand Five Hundred Pounds, according to the Value of his or her Estate ; and shall then Issue their Warrants to the several and respective Collectors within the said City and County, to collect and pay the same to the Treasurer of this State, on or before the first Day of March next ; and the said Mayor, Recorder and Aldermen, shall, at the Time they issue such Warrants to the Collectors, transmit true Copies thereof, and of the said Tax Rolls, to the Treasurer of this State.

III. And be it further enacted by the Authority aforesaid, That every Assessor in the said City and County of New-York, and in each of the other Counties of this State shall before he enters upon the Performance of the Duty and Service required of him by this Act, take an Oath, or if of the People called Quakers, an Affirmation, in the Words following, TO WIT,

Assessors Oath.

I, A. B. do swear (or affirm) that I will well, truly, and impartially, according to the best of my Skill, Knowledge and Understanding, assess and rate all the Freeholders, Inhabitants and Residents of the Ward, Town, Precinct or District (as the Case may be) for which I am Assessor.

Which Oath, or Affirmation, the Mayor, Recorder, or any One Alderman in the City of New-York, and any of the Judges or Justices of each of the other Counties of this State, in their respective Counties, are hereby empowered, required and directed to administer, and to give the Assessor taking the same a Certificate thereof.

Supervisors duty.

Collectors duty.

County Treasurers duty.

Supervisors to transmit copies of warrants to County Treasurers.

IV. And be it further enacted by the Authority aforesaid, That the Supervisors of every County in this State, or the major Part of them respectively, shall meet on the First Tuesday in September next, and cause the said respective Quotas and Allowances aforesaid, of their respective Counties, to be raised, assessed, levied and collected in the same Manner as the other necessary and contingent Charges thereof have been usually raised, assessed, levied and collected : And the respective Collectors are hereby required to pay the respective Sums, to be by them collected, unto the respective County Treasurers, on or before the First Day of March next : And each of the County Treasurers are hereby required to pay the respective Quotas of their Counties to the Treasurer of this State, on or before the First Day of April next.

V. And be it further enacted by the Authority aforesaid, That the Supervisors of the several Counties of this State shall, and they are hereby respectively required, when they issue Warrants to the Collectors to collect the said Tax, to transmit true Copies thereof, and of the Tax Rolls, to the Treasurer of the County : And each County Treasurer is hereby required to transmit true Copies of all such Tax Rolls to the Treasurer of this State.

Tax how paid.

V. And be it further enacted by the Authority aforesaid, That Bills of Credit, issued by Virtue of an Act, entitled, " An Act for emitting Two Hundred Thousand Pounds

Pounds in Bills of Credit, for the Purposes therein mentioned," and Gold and Silver Coins only, shall be received in Payment of the said Tax: And the Collectors shall be allowed, and may retain in their Hands, for their Services in the Execution of this Act, out of the Monies by them collected, Six-Pence in the Pound, except in the City and County of New-York and City of Albany, where the Collectors shall only retain Four-Pence in the Pound: And the several County Treasurers shall be allowed and retain in their Hands, for their Services in the Execution of this Act, out of the Monies they shall respectively receive, Ten Shillings for every Hundred Pounds they shall receive, except the Counties of Montgomery and Washington, where the County Treasurers shall respectively have and take Twenty Shillings for every Hundred Pounds they shall receive.

VI. And be it further enacted by the Authority aforesaid, That if any Person shall refuse or neglect to pay the Tax or Sum imposed on him, her or them, the Collector shall levy the same by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting; and where the Goods and Chattels, so distrained, shall be sold for more than the Amount of such Tax, and the Charges of the Distress and Sale, the Overplus shall be returned to the Owner of such Goods and Chattels: AND FURTHER, that the Person in Possession of any real Estate, at the Time the said Tax is to be collected, shall be liable to pay the Tax imposed on such real Estate. And if any other Person, by Agreement or Otherwise, ought to pay such Tax, the said Possessor, who shall pay the same, shall and may recover such Amount thereof, from such Person; and for Want of Goods and Chattels, whereon to levy such Tax, and where any real Estate shall be taxed, and the Owner thereof shall not reside in the Ward, Town, Precinct or District where such real Estate is situated; the Collector shall be, and hereby is authorized and required to commence a Suit in his own Name for the said Tax, against the Person charged therewith, in the said Tax Roll, before any Justice of the Peace, Mayor, Recorder or Alderman where the Person so taxed can be found: And the said Tax Roll, being produced before such Justice, Mayor, Recorder or Alderman, or any Jury who may try such Cause, and proved to have been signed by the Supervisor or Supervisors, shall be full and conclusive Evidence to entitle the Plaintiff to recover against the Defendant, such Sum as such Defendant may be charged with, or taxed at, in the said Tax Roll, with Costs of Suit. And the Authority and Jurisdiction of such Justice, Mayor, Recorder or Alderman, is hereby extended to all such Actions, notwithstanding the Sum sued for shall exceed the Sum of Ten Pounds. And every such Justice, Mayor, Recorder or Alderman, is hereby authorized and required, immediately after Judgment in any such Action, to award Execution thereon against the Defendant, in the Manner directed in and by the Act, entitled, "An Act to empower Justices of the Peace, Mayors, Recorders and Aldermen, to try Causes to the Value of Ten Pounds and under, and to repeal sundry Acts therein mentioned," and therein directing the Officers to pay the Monies mentioned in such Execution, and to make Return of such Execution within Twenty Days after the Date thereof.

Collector's duty,
in case of neglect or
refusal to pay tax.

VII. And be it further enacted by the Authority aforesaid, That if any Assessor, Collector or Supervisor, shall die, refuse to serve or remove out of the Town, Precinct or District, for which he is or shall be chosen or appointed; and the Freeholders and Inhabitants of such Town, Precinct or District, shall not, within Twenty Days thereafter, chuse another in the Room of him so dying, refusing to serve, or removing; then, and in every such Case, any Three Justices of the Peace of the County, shall from Time to Time, as often as may be necessary, and within Twenty Days after such Neglect appoint another or others in the Room of such Person so dying, refusing to serve, or removing. And in the City of New-York, the Mayor or Recorder, and any Two or more Aldermen, shall in such Case, appoint Assessors and Collectors, in the Room of such as shall die, refuse to serve, or remove as aforesaid. And in Case the Supervisors of any County, shall Neglect to appoint a County Treasurer, for the Space of Twenty Days, at any Time when there shall be a Vacancy in that Office, then the Judges of the Inferior Court of Common Pleas, and the Justices of the Peace of such County, or the major Part of them, shall within Twenty Days after such Neglect, appoint a Treasurer of such County; and all and every such Assessors, Collectors, Supervisors and County Treasurers so appointed, shall be, and hereby are vested with the same

Regulating the
appointment of dis-
trict officers, &c.

same Powers and Authorities, and made liable to the same Penalties and Forfeitures as any other Assessor, Collector, Supervisor or County Treasurer is vested with, or made liable to by this Act.

Delinquent Collectors punished.

IX. *And be it further enacted by the Authority aforesaid,* That if any Collector shall neglect to pay the Money, which by this Act he is directed to pay into the County Treasury, at the Time above limited for that Purpose, then, and in every such Case, the Treasurer of the County shall, and he is hereby required to issue a Warrant under his Hand and Seal, directed to the Sheriff of the County, commanding him to levy the same, or if a Part is paid, so much as such Collector shall be Deficient, by Distress and immediate Sale of the Lands and Tenements, Goods and Chattels of such Collector, and shall transmit a true Copy of such Warrant to the Treasurer of this State. And every Sheriff, to whom any such Warrant shall be directed and delivered, shall immediately Cause the same to be executed; and shall, within Twenty Days after he shall receive such Warrant, return the same, with the Monies he shall have raised or levied by Virtue thereof, to the County Treasurer. And for Want of sufficient Lands and Tenements, Goods and Chattels, whereon to levy the Whole Amount of such Deficiency, such Sheriff shall take such Delinquent Collector, and confine him in the common Gaol, there to remain, without Bail or Mainprize, until such Deficiency shall be paid. But in all Cases, where no Goods or Chattels can be found, whereon to levy the Tax imposed upon any Person mentioned in such Tax Roll, or not sufficient to pay the Whole, the Collector shall not be charged with more than he shall or might have levied, or shall or might have recovered as aforesaid. And it is hereby made the Duty of every Collector to deliver a true Account, upon Oath, of all such Deficiencies, at the Time he is to pay in the Money to be collected by him as aforesaid: And if any Collector shall Neglect to deliver such Account, such Collector shall be accountable for the whole Sum by him to be collected, and for which he shall not render such Account: And the County Treasurer shall deliver all such Accounts of Deficiencies to the Supervisors of the County, at their next Meeting after he shall have received the same; and the Supervisors shall Cause the Amount of such Deficiencies to be raised, levied and collected in the Towns, Precincts or Districts where such Deficiencies shall happen, which shall be assessed with the contingent Charges of the County, next after such Deficiency shall happen, and be paid to the County Treasury within Six Months thereafter. And the County Treasurer shall pay the same to the Treasurer of this State, within Thirty Days after he shall have received the same: AND FURTHER, the Treasurer of this State shall prosecute all Delinquent Collectors in the City and County of New-York, in the same Manner as if he was the County Treasurer, of the same City and County, and shall deliver all such Accounts of Deficiencies as aforesaid, to the Mayor, Recorder and Aldermen of the said City, who shall Cause the same to be raised, levied and collected, in the Wards where such Deficiencies happen, and to be paid to the Treasurer of this State within Six Months thereafter.

Treasurer to prosecute delinquent Collectors.

Delinquent County Treasurers punished.

X. *And be it further enacted by the Authority aforesaid,* That if any County Treasurer shall Neglect to pay the Monies he shall receive from the Collectors or Sheriff, or any of them, or shall not, in Case of Default of any Collector, issue his Warrant as aforesaid, then it shall and may be lawful for the Treasurer of this State, at the Expiration of Thirty Days, next after the Day on which the Collectors are directed by this Act to pay the Taxes into the County Treasury, and he is hereby directed and required to proceed against such Delinquent County Treasurer, in like Manner as such County Treasurer is authorized by this Act to proceed against a Delinquent Collector.

Delinquent Magistrates punished.

XI. *And be it further enacted by the Authority aforesaid,* That if the Mayor, Recorder, or either of the Aldermen, in the City of New-York, or any Judge, Justice of the Peace, Supervisor or Assessor, shall neglect or refuse to perform any of the Duties required of them by this Act, the Person so neglecting or refusing shall forfeit to the People of this State the Sum of Fifty Pounds for every Offence, to be recovered with Costs, by Action of Debt by the Treasurer of this State, by the Name of the Treasurer of the State of New-York, in any Court of Record in this State. And it shall be sufficient for the Plaintiff in such Action to declare, that the Defendant at a certain Time and Place became indebted to the Treasurer of the State of New-York, for the Use of the People of this State, in the Sum of Fifty Pounds, by Virtue of an Act,

Act, entitled, "An Act for raising Monies by Tax," and to give the special Matter in Evidence; and no such Suit shall be abated or discontinued by the Death of the Treasurer, or by his Resignation or Removal from Office; but shall and may be continued and prosecuted to Effect by his Successor in Office. And it is hereby made the Duty of the Treasurer of this State to prosecute for the said Penalties, for the Use of the People of this State; which Penalties, when recovered, shall remain in the Treasury of this State, subject to the Order of the Legislature.

XI. And be it further enacted by the Authority aforesaid, That the Thirteenth Section of an Act, entitled, "An Act to divide the southern Part of the County of Ulster into Precincts, and to enable the Corporation of Kingston and the Manor of Fox Hall, to chuse and elect one Supervisor more, and for regulating the Supervisors and Assessors within the said County;" and also an Act, entitled, "An Act to amend and explain the Thirteenth Section of the said Act, entitled, an Act to divide the southern Part of the County of Ulster into Precincts, and to enable the Corporation of Kingston and the Manor of Fox Hall to chuse and elect one Supervisor more, and for regulating the Supervisors and Assessors within the said County;" and also an Act, entitled, "An Act for defraying the contingent Charges, and maintaining the Poor in the Counties of Ulster, Orange, Westchester, Tryon and Charlotte," shall be and hereby are repealed. Certain acts repealed.

XII. And be it further enacted by the Authority aforesaid, That in Case there shall not be in the Hands of the Treasurer a sufficient Sum in public Securities, or in Certificates issued out of any Continental Loan-Office in the United States, for Interest due on public Securities, by the First Day of December next, to enable him to pay the Requisitions of the United States in Congress assembled on this State, as he is directed in and by the Act, entitled, "An Act acceding to the Acts of Congress of the Twenty-seventh of September, and Twelfth of October, One Thousand Seven Hundred and Eighty-five;" it shall and may be lawful for the said Treasurer, and he is hereby required to procure by any Ways and Means in his Power, such additional Sum in Certificates or public Securities as aforesaid, as will be necessary to enable him to discharge the said Requisitions, in the Manner directed in and by the said Act, on or before the First Day of January next, any Law to the Contrary notwithstanding. State Treasurer's duty respecting public securities, &c.

C H A P. LVII.

A N A C T for confirming an Agreement made between Stephen Van Rensselaer, Philip Van Rensselaer, Elizabeth Van Rensselaer, Eliardus Westerlo, and Catherine his Wife, Executrix, Abraham Ten Broeck, John H. Ten Eyck, and Gerardus Groesbeck, Executors of the Testament and last Will of Stephen Van Rensselaer, deceased. Passed the 29th of April, 1786.

WHEREAS Stephen Van Rensselaer, of the Manor of Rensselaerwyck, did lately present a Petition to this Legislature, setting forth, that he had entered into an Agreement with his Brother, Philip Van Rensselaer, and his Sister, Elizabeth Van Rensselaer, Eliardus Westerloe and Catherine his Wife, Abraham Ten Broeck, John H. Ten Eyck and Gerardus Groesbeck, by which Agreement, it is among other Things stipulated, that the said Petitioner shall allow to his said Brother and Sister, being Minors, a certain Sum of Money in Gross, together with certain annual Sums of Money therein specified, until they respectively come of Age, for their Maintenance and Education, and as a full Equivalent and Satisfaction for all their Claims upon or out of the personal Estate, and the Rents and Profits of the real Estate of the said Stephen Van Rensselaer, deceased, all which Claims they thereby relate to the said Petitioner; and also, that by the said Agreement, the said Eliardus Westerloe and Catherine his Wife, Abraham Ten Broeck, John H. Ten Eyck and Gerardus Groesbeck, renounce and release to the said Petitioner, their Offices, Rights, Interests and Authorities, as Executors of the said last Will and Testament, and that the said Petitioner thereby covenants to pay all the Debts due from the Estate of his said Father, Preamble.

as by the said Agreement, recorded in the Secretary's Office of this State may appear. And in as much as the Petitioner's said Brother and Sister are Minors, and the said Executors have heretofore administered under the said Will, the said Petitioner being advised that the said Agreement cannot with safety be carried into Execution without an Act of this Legislature for confirming the same, did therefore pray for Leave to bring in a Bill for confirming the said Agreement, with such Clauses and Provisions as might be found necessary and convenient to effectuate the same. Therefore,

The agreement
between certain par-
ties confirmed.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the said Agreement, bearing Date the Thirteenth Day of January, in this present Year, made and concluded by and between Stephen Van Rensselaer, of the Manor of Rensselaerwyck, Gentleman, Proprietor of the said Manor of the first Part, Philip Van Rensselaer, of the City of Albany, Gentleman, and Elizabeth Van Rensselaer, of the said City of the Second Part, Eliardus Westerloe, Clerk, and Catherine his Wife, Abraham Ten Broeck, Esquire, John H. Ten Eyck and Gerardus Groesbeck, Executors of the last Will and Testament of the last Will and Testament of Stephen Van Rensselaer, late of the Manor of Rensselaerwyck, Esquire, of the Third Part, and every Article, Clause, Matter and Thing therein contained, shall be, and the same is and are hereby confirmed and made valid and effectual in Law and Equity, to all Intents and Purposes, in the same Manner, and with the same Force and Effect, as if all the Parties thereto had been at the Time of the Execution thereof, of full age; any Law, Usage or Custom to the Contrary notwithstanding.

Parties of the se-
cond and third part,
discharged from cer-
tain obligations,

II. *And be it further enacted by the Authority aforesaid,* That the said Parties of the Second and Third to the said Agreement, shall be forever thereafter discharged and exonerated of and from all Actions, Claims, and Demands whatsoever, in Law and Equity, of any Person or Persons, for or by Reason of any Sum of Money, Debts, Dues or Demands, which the said Stephen Van Rensselaer, deceased, owed or was indebted to any such Person or Persons, at the Time of his Death. And also, for and by Reason of any other Matter or Thing, for which they, or any of them were, before the passing of this Act liable and chargeable as Executors, Legatees, or Devisees of the said Stephen Van Rensselaer, deceased, in every thing relating to any Matter in the said Agreement mentioned, according to the true Intent and Meaning thereof: And that in Case any Suit shall be brought against the said Parties of the Second and Third Parts, or any of them, for or by Reason of any such Debt, Claim, Demand, Matter or Thing, from which they are hereby exonerated and discharged, it shall be lawful for them, or any of them, as the Case may be, to plead the general Issue, and give this Act in Evidence in Support thereof.

and the party of the
first part made
chargeable there-
with.

III. *And be it further enacted by the Authority aforesaid,* That the said Stephen Van Rensselaer, Party of the First Part, shall be, in his own Right, liable and chargeable, and may be impleaded and prosecuted in any Court of Law or Equity within this State, as for his own proper Debt or Default, for all or any of the Debts, Claims and Demands, for which the said Parties of the Second and Third Parts were, before the passing of this Act, liable and chargeable, and from which they are hereby exonerated and discharged; and this without any special Reference to, or Recital of this Act; any Law, Usage or Custom, to the Contrary hereof in any Wise notwithstanding.

C H A P. LVIII.

A N A C T further to amend an Act, entitled, *An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned.* Passed 1st May, 1786.

Species of certifi-
cates receivable for
forfeited estates.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the following Species of Certificates, to any Citizen or Inhabitant of this State, shall be receivable in Payment for all forfeited Estates, which shall or may be sold after the passing

passing of this Act, to wit, Certificates issued by William Denning, Esquire, as Commissioner of the United States, to settle the Accounts of the Quarter-Master General's Department, in the late Army of the United States, Certificates issued by Joseph Bindon, Esquire, as Commissioner to settle the Accounts of the Clothing Department, in the late Army of the United States, Certificates issued by Jonathan Burrell, Esquire, as Commissioner to settle the Accounts of the Commissary's Department in the late Army of the United States, Certificates issued by John Pierce, Esquire, as Commissioner to settle the Accounts of the late Army of the United States, commonly called Final Settlements, Certificates issued by Joseph Panel, Esquire, as Commissioner to settle the Accounts of the Naval Department of the United States, Certificates issued by Edward Fox, Esquire, as Commissioner to settle the Accounts of the Medical Department of the Army of the United States, and Certificates issued out of any Continental Loan-Office in the United States, to Persons who were Citizens of this State at the Time they were issued for Monies lent by them to the United States.

PROVIDED, that the Commissioners of Forfeitures respectively shall be, and they are hereby required, whenever a Doubt shall arise if any of the said Certificates were originally granted to a Citizen or other Inhabitant of this State, to examine on Oath or Affirmation any Person or Persons, to enable them to determine whether such Certificates as may be offered to them, were originally issued to any Citizen or Person, an Inhabitant of this State, at the Time of granting thereof; and if such Certificates shall be proved to have been so granted to the Satisfaction of the said Commissioners, they shall accept thereof, and not otherwise.

Proviso.

AND WHEREAS it is suggested to the Legislature, that there are considerable Tracts of Land, and other real Estate vested in the People of this State, by the Conviction or Attainder of divers Persons which have not yet been discovered by the Commissioners of Forfeitures:

Preamble, as to forfeited estates not yet discovered.

II. Be it further enacted by the Authority aforesaid, That when any Person or Persons shall, after the passing of this Act, discover to the Commissioner or Commissioners of Forfeitures for any District of this State, any Lands or other real Estate vested in the People of this State, by the Attainder or Conviction of any Person or Persons whomsoever, it shall be lawful for such Person or Persons who shall make the Discovery of any real Estate as aforesaid, to locate the same in Trust for the Widow (if such attained or convicted Person be Dead) and Children or Children's Children, if any such there be, or otherwise for the next of Kindred of such attained or convicted Person, to be divided and distributed by the Person or Persons making such Location, in the same Manner, and with the like Restrictions and Limitations, as if such attained or convicted Person was Dead Intestate, and as if such Lands or other real Estate were personal Estate, according to the Law for the Distribution of the personal Estate of Persons dying Intestate. PROVIDED ALWAYS, that in Case such attained or convicted Person be at the Time of such Location, in full Life, the Wife of such attained or convicted Person shall have no Share in the Distribution to be made as aforesaid, but such Distribution shall be made in the same Manner as if such Wife was also Dead. And the Commissioners of Forfeitures of the District where such Lands or real Estate shall be situated, are hereby authorized and directed to have the same appraised at the Value thereof in Gold or Silver, by Appraisers to be appointed in the Mode prescribed in and by an Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States," passed the Fourth Day of October, in the Year of our Lord One Thousand Seven Hundred and Eighty. And upon the Payment of such Sum at which such Lands shall be appraised, in any public Securities receivable for forfeited Estates, to Make, Seal and Deliver a Conveyance for the same, to such Person or Persons, and his or their Heirs, in Manner and Form as is prescribed in and by the Act aforesaid, upon the Trust nevertheless herein before expressed; for the better Execution whereof, the Person or Persons to whom such Conveyance may be made, his, her or their Heirs, shall have full Power and Authority to sell the Lands and other real Estate, to him or them respectively conveyed, in such Manner as to him, her or them shall appear most for the Advantage of the Persons entitled to Distribution as aforesaid. PROVIDED ALSO, That none of the Conveyances to be given as aforesaid, shall operate as a Warranty from the People of this State, for the real Estate or Estates so to be conveyed.

Discoverer how to proceed in such case.

Proviso.

Duty of the Commissioners of Forfeitures.

III.

Debtors of persons whose estates are forfeited, to pay their debts to the Treasurer.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, being Citizens of this State, who is or are indebted by Mortgage, Bond, Specialty, Contract, or on Account to any Person or Persons whose Estate, real and personal, is or are by Conviction or Attainder forfeited to the People of this State, within Twelve Months after the passing of this Act, to pay the said Debts, Dues and Demands to the Treasurer of this State, who is hereby required to receive the same in Gold or Silver, or Public Securities made receivable in Payment upon the Sale of forfeited Estates, and upon the Payment of such Debts, Dues and Demands as aforesaid, the said Treasurer shall give his Receipt, which Receipt shall be a sufficient Discharge for so much of the said Debts Dues and Demands. And that in every Case in which such Debts as aforesaid were due by any Person or Persons who have not remained within the Enemies Power or Lines during the late War, to any Person or Persons whose Estate or Estates is or are forfeited as aforesaid, such Person or Persons so indebted, and who shall within the Time and in Manner aforesaid pay such Debts, shall be discharged from the Interest which may have become due on such Debts, between the First Day of January, One Thousand Seven Hundred and Seventy-six, and the First Day of January, One Thousand Seven Hundred and Eighty-three. PROVIDED ALWAYS, that in either of the said Cases, if any Suit or Suits has or have been commenced for the Recovery of such Debts, the Defendant or Defendants shall pay the Costs accrued therein.

Certain Suits to be stayed.

IV. And be it further enacted by the Authority aforesaid, That the Commissioners of Forfeitures respectively shall stay all Proceedings in any Suits by them commenced for the Recovery of such Debts herein before mentioned, until the Expiration of the said Twelve Months, and shall not commence any other Suits for any such Debts until the Time aforesaid.

Forfeited estates when to be sold a second time,

V. And be it further enacted by the Authority aforesaid, That if any Person who shall become a Purchaser of any confiscated Estate, shall neglect or refuse when demanded, to deposit One-third of the Purchase Money, in the Manner prescribed in and by the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," the Commissioner or Commissioners who shall make such Sale, shall and may within Twenty Days thereafter, again expose such confiscated Estate to Sale at public Vendue, and if upon such second Sale, such confiscated Estate shall not be sold for a Sum equal to the Sum which such Purchaser offered on the first Sale thereof, the Commissioner or Commissioners shall and may recover in his or their own Name or Names, of such first Purchaser, in an Action of Debt in any Court of Record in this State, the Sum which the Sum contracted for on such second Sale shall be less than the Sum offered at the first Sale thereof, with Costs; and in every such Action the Defendant shall be held to Bail in double the Sum demanded.

and the delinquent purchaser sued.

Where the rents of certain forfeited estates shall be remitted.

VI. And be it further enacted by the Authority aforesaid, That all Rents which became due during the Time the Troops of the King of Great Britain were in Possession of the southern District of this State, for any Estates in the said southern District, vested in the People of this State by the Attainder or Conviction of any Person or Persons whatsoever, shall be, and the same are hereby remitted, in every Case in which it shall be proved to the Satisfaction of the Chancellor, the Chief Justice, or any of the Justices of the Supreme Court, or the first Judge of the Inferior Court of Common Pleas, of the County in which the Lands on which such Rents accrued shall be situated; or if such Estates lie in the City or County of New-York, of the Mayor or Recorder of the said City, that the Tenant or Tenants holding such Estate did pay such Rents to the Person or Persons by whose Attainder or Conviction such Estates became forfeited, their Heirs, Attornies or Agents, during the Time the said southern District was in Possession of the said Troops of the King of Great Britain, and the Chancellor, Chief Justice, or other Justices of the Supreme Court, first Judge, Mayor or Recorder, shall in every Case in which such Payment shall be proved to have been made, give a Certificate to the Person making application therefor, and intended to be relieved thereby, that such Proof has been made, and specifying the Time for which the Rent ought to be remitted in Pursuance of this Act, which Certificate shall be a sufficient Warrant to the Commissioners of Forfeitures to remit such Rent accrued during the Time mentioned in such Certificate, and such Certificate shall be retained

Warrant to the Commissioners, &c.

tained by such Commissioners and accounted for with the Auditor on the Settlement of their Accounts. PROVIDED that such Proof shall be made, and such Certificate produced to the Commissioners, on or before the First Day of August next. And that the Person or Persons applying for and obtaining such Certificate shall pay the Expence and Charges thereof.

Proviso:

VII. And be it further enacted by the Authority aforesaid, That it shall be, and is hereby made the Duty of the Commissioners of Forfeitures in every Advertisement of the Sale of Lands and Tenements by them to be made, to insert a Description of the several Certificates made receivable by this Act, in Payment for the said Lands and Tenements.

Commissioners directed in advertising.

VIII. And be it further enacted by the Authority aforesaid, That in every Case in which any Location has been made by Virtue or in Pursuance of an Act, intituled, an Act to liquidate and settle the Accounts of the Troops of this State, in the Service of the United States, and the Person or Persons who made such Location, shall not, within Three Months after the passing of this Act, apply to the Commissioner or Commissioners of Forfeitures of the District in which such Location has been made, for an Appraisement of the Lands by him or them located, such Location shall be deemed to be relinquished, and the Certificates deposited become forfeited to the People of this State.

What location shall be deemed relinquished, and certificates forfeited.

IX. And be it further enacted by the Authority aforesaid, That in Case any Vacancy shall have happened, or may hereafter happen, by the Death, Resignation or Removal from Office, of any Commissioner or Commissioners of Forfeitures, it shall and may be lawful to and for the Governor, or Person administering the Government for the Time being, by and with the Advice and Consent of the Council of Appointment, from Time to Time to appoint another or others in the Room and Stead of such Commissioner or Commissioners so dying, resigning or removing from Office.

Vacancy in commission of forfeitures how supplied.

X. And be it further enacted by the Authority aforesaid, That in all Cases of Purchases made of any forfeited Estates, in Pursuance of any of the Laws directing the Sale of forfeited Estates, in which any Purchaser of such Estates shall be evicted by due Course of Law, in the Manner mentioned in the First enacting Clause of the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State and for other Purposes therein mentioned," such Purchaser shall have the like Remedy for obtaining a Compensation for the Value of Improvements by him or her made, on such Estate so by him or her purchased, and from which he or she shall be so evicted, as is directed in and by the said first enacting Clause of the said Act.

Evicted purchasers relieved.

XI. And be it further enacted by the Authority aforesaid, That the Commissioners of Forfeitures for the southern District shall be, and they are hereby authorized and required from Time to Time to sell so much of the confiscated and forfeited Estates, described in the Ninth Section of the said Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," as will, together with the Gold and Silver now in the Treasury, and arising from the Sales of forfeited and confiscated Estates, and together with the Gold or Silver, or Bills of Credit of the New Emission designated in the said Act, and now due on Sales heretofore made of such Estates, amount to a Sum in Bills of Credit of the said New Emission, or in Gold or Silver, equal to the whole Amount of the said Bills of Credit in Circulation.

Directions to the Commissioners for the southern district.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of Forfeitures for the southern District, to receive from any Purchaser of forfeited Estates, by them sold for Bills of Credit of the said New Emission, or Gold or Silver, the Monies remaining due and unpaid by any such Purchaser, provided any such Payment shall be made in Bills of Credit of the New Emission above specified, or in Gold or Silver; and such Purchaser shall within Three Days after being thereunto required, pay unto the said Commissioners One-third of the Purchase Money so due and in Arrear, and for the Residue thereof, shall execute such Bond as is directed to be taken from all Purchasers of forfeited Estates hereafter to be sold by the Commissioners of Forfeitures. And in Case any such Purchaser shall neglect or refuse to make such Payment, and enter into such Bond as aforesaid, all Monies by such Purchasers already paid on such Purchases, shall be forfeited to the People

To receive pay from purchasers, &c.

Time and manner of purchasers payment.

Penalty for neglect.

ple of this State, and the Lands be again sold, in the Manner prescribed in and by the Act mentioned in the last preceding Clause.

Preamble.

AND WHEREAS, by an Act, entitled, "An Act to amend an Act, entitled, an Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," it is enacted, that in all Sales of forfeited Estates to be made by the Commissioners of Forfeitures, to any Person or Persons whatsoever after the passing of that Act, such Person or Persons so purchasing, shall immediately pay to the said Commissioner or Commissioners, One-third Part of the said Purchase Money, and the remaining Sum due, within Nine Months from the Time of such Sale. AND WHEREAS it is conceived that the Time given for the Payment of the said Two-thirds Parts of the Purchase Money is too long : Therefore,

Conditions of purchases.

XIII. *Be it further enacted by the Authority aforesaid,* that every Person who shall hereafter purchase any forfeited Estate or Estates, shall immediately pay to the Commissioner or Commissioners making such Sale, One-third Part of the Purchase Money, and the remaining Sum in Four Months from the Time of such Sale. And the Commissioners of Forfeitures are hereby required to take the Security directed by the said Act to be given for the same accordingly.

Privileges given to purchasers.

XIV. *And be it further enacted by the Authority aforesaid,* That in all Cases where any Person hath, or hereafter shall purchase any Lands, Tenements or Hereditaments, forfeited to the People of this State, and any such Lands, Tenements or Hereditaments hath been, or shall be recovered against such Purchaser, his Heirs or Assigns, by due Course of Law, then, and in every such Case, it shall be lawful for the Person against whom such Recovery is or shall be had, to locate any other forfeited Estate, to the Amount of the Sum paid to the People of this State for the Lands, Tenements or Hereditaments so recovered, according to the Directions prescribed in and by an Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State, in the Service of the United States," passed the Fourth of October, One Thousand Seven Hundred and Eighty. And the Commissioners of Forfeitures for the District where such Location shall be made, are hereby authorized and required to have the same appraised, at the full Value thereof in Gold and Silver, in the Manner prescribed in and by the said last mentioned Act, and to convey to such Person or Persons, and his, her or their Heirs, so much of the said Lands so located as, according to such Appraisement, shall amount to the Sum so paid for the Land so recovered.

Proviso concerning former deeds.

PROVIDED ALWAYS, that every Person making such Location, shall at the Time of making the same, produce and deposit with the Commissioner of Forfeitures, the Deed from the Commissioners of Forfeitures for the Land so recovered, and a Certificate from the Attorney General of this State for the Time being, that such Recovery was had for Want of Title in the People of this State. AND PROVIDED ALSO, that

Certificate.

it shall and may be lawful for any such Person, against whom any such Recovery hath been or shall be had as aforesaid, at his Election, instead of locating as aforesaid, to receive a Certificate from the Treasurer of this State for the Sum paid for the Land so recovered. And the Treasurer of this State for the Time being, is hereby authorized

Treasurer's duty.

and required, upon producing and depositing with him the original Deed from the Commissioners of Forfeitures, for the Land so recovered, and such Certificate from the Attorney General as aforesaid, to give such Person a Certificate or Certificates for the Sum so paid as aforesaid, which shall be of like Value and Effect as the Certificate or Certificates paid for the Land so recovered. PROVIDED ALWAYS, that if any such Appraisement shall exceed the Amount of the Principal and Interest of such Certificate or Certificates, the Surplus shall be paid in Gold or Silver, before any Conveyance be given for any Lands so located. AND WHEREAS the Commissioners of Forfeitures for the western District, were by the said Act required to convey to Epinetus White, of Balls Town, in the County of Albany, a certain Tract of Land, lying in the Kayaderoferas Patent, and doubts having arisen whether the said Commissioners were authorized to receive Payment for the said Tract of Land in public Securities : Therefore,

Preamble, concerning Epinetus White.

Privilege granted to him.

XV. *Be it further enacted by the Authority aforesaid,* That the said Commissioners are hereby authorized and required to receive such public Securities in Payment for the said Tract of Land as are made receivable in and by the Fifth Section of said

said Act,—PROVIDED such Payment be made within Three Months after passing this Act.

XVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the southern District, and they are hereby authorized and directed, to sell and dispose of the Lot of Ground, with the Buildings thereon, situated in the East Ward of the City of New-York, and fronting to Queen-Street, forfeited to the People of this State by the Attainder of Henry White, Esquire, late one of the Members of the Council of the late Colony of New-York.

A certain house and lot to be sold,

XVII. And be it further enacted by the Authority aforesaid, That the said Commissioners shall sell and dispose of the said Lot at public Sale or Auction, at the Coffee-House, in the City of New-York, after having given Six Weeks Notice of such Sale, in one or more of the News-Papers printed in the City of New-York, and receive the Amount of the Purchase Money in any of the Public Securities specified in the Fifth Section of the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," and the several Species of Certificates herein before mentioned, and shall make, seal and deliver to the Purchaser or Purchasers a good and sufficient Deed and Conveyance in the Law, to vest the same in such Purchaser or Purchasers, in Manner, Form and Effect, as is prescribed and directed in and by the First Section of the Act above mentioned; PROVIDED that the Possession of the said Premises shall not be given to the Purchaser or Purchasers as aforesaid, until the First Day of May, One Thousand Seven Hundred and Eighty-seven.

for public securities.

Proviso.

AND WHEREAS, Abraham Bloodgood, of the City of Albany, on the Seventh Day of August, in the Year of our Lord One Thousand Seven Hundred and Eighty-two, purchased from the Commissioners of Forfeitures for the western District, for the Consideration of Eight Hundred Pounds, a Messuage and Lot of Ground in the Town of Schenectady, which was supposed to be forfeited to the People of this State, by the Conviction of Richard Duncan; but it has since been discovered, that the legal Title to the said Premises, at the Time of the said Conviction, was vested in Peter Van Brugh Livingston, of the City of New-York, Merchant. Therefore,

Preamble relative to Abraham Bloodgood.

XVIII. Be it enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer of this State, and he is hereby required to give the said Abraham Bloodgood a Certificate or Certificates for the said Sum of Eight Hundred Pounds, payable with Interest at Five per Cent. from the said Seventh Day of August, One Thousand Seven Hundred and Eighty-two. AND FURTHER, that it shall and may be lawful to and for the said Abraham Bloodgood, his Heirs or Assigns, to Locate any other forfeited Estate to the Amount of the Principal and Interest of such Certificate or Certificates, according to the Directions of the said Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States." And the Commissioners of Forfeitures for the District where such Location shall be made, are hereby authorized and required, to cause the Land so located to be appraised, at the Value thereof in Gold or Silver, in the Manner prescribed in and by the said last mentioned Act, and to Convey to the said Abraham Bloodgood, or to his Heirs and Assigns, in Fee Simple, so much of the said Lands so located, as according to such Appraisement shall amount to the Principal and Interest of such Certificate or Certificates.

Relief granted to him.

PROVIDED ALWAYS, That if such Appraisement shall exceed the Amount of the Principal and Interest of such Certificate or Certificates, the Surplus shall be paid in Gold or Silver before any Conveyance be given for the Lands so located.

AND WHEREAS Anthony Post, of the City of New-York, Carpenter, on the Seventh Day of July, One Thousand Seven Hundred and Eighty-Four, purchased of the Commissioners of Forfeitures for the southern District, for the Consideration of Two Hundred and Twenty-five Pounds, a Messuage and Lot of Ground, in the West Ward of the same City, which was supposed to be forfeited to the People of this State, by the Conviction of James Leonard, of which said Premises the said Anthony Post, by due Course of Law, has been evicted, the Judges of the Supreme Court having on a Special Verdict given an unanimous Opinion that the said Premises were not forfeited to the People of this State.

Preamble respecting Anthony Post.

Relief given to him.

XIX. *Be it therefore enacted by the Authority aforesaid,* That it shall and may be lawful for the Treasurer of this State, and he is hereby required to give to the said Anthony Post a Certificate or Certificates for the said Sum of Two Hundred and Twenty-five Pounds, with Interest at Five per Cent. from the Seventh Day of July, One Thousand Seven Hundred and Eighty-four; and also to pay to the said Anthony Post, out of any Monies unappropriated in the Treasury, his Costs in defending the said Premises, to be taxed by one of the Judges of the said Court. And it shall and may be lawful for the said Anthony Post, his Heirs and Assigns, to make a Location of any Lands in the southern District, forfeited to the People of this State, to the Amount of the said Principal and Interest, to be located, appraised, conveyed and paid for, in like Manner as is directed by the last preceding Clause, in the Case of Abraham Bloodgood.

Preamble respecting Andrew Finck, jun.

AND WHEREAS it appears that Abraham Van Horne, late Sheriff of the County of Montgomery, by Virtue of a Writ of Fieri Facias, issued out of the Supreme Court of this State, at the Suit of Cornelius Van Scherlyn, against Philip Empie, did sell Sixty-two Acres of Land unto Andrew Finck, junior, for Two Hundred Pounds in Specie.

AND WHEREAS it afterwards appeared, that the Lands sold, were at the Time of Sale forfeited to the People of this State, by the Conviction of the said Philip Empie :

Relief given to him.

XX. *Be it therefore enacted by the Authority aforesaid,* That it shall and may be lawful for the Commissioners of Forfeitures for the western District, to cause the said Lands to be appraised at Specie Value, as though no Improvement had been made thereon since the Sale of the said Sheriff, and after deducting the said Sum of Two Hundred Pounds, if the appraised Value shall exceed Two Hundred Pounds, to pass a Deed of Quit Claim from the People of this State unto the said Andrew Finck, junior, on his paying such excess, if any there be, in any of the public Securities made receivable in Payment for forfeited and confiscated Estates.

Commissioners to account with the Auditor in three months.

XXI. *And be it further enacted by the Authority aforesaid,* That the Commissioner or Commissioners of Forfeitures for the several Districts of this State are hereby required, within Three Months next after the passing of this Act, to settle the Accounts of all Sales by them respectively made, and compleated to the Time of such Settlement with the Auditor of this State for the Time being; and the said Auditor is hereby required to certify to the Treasurer of this State the Ballances due from the said Commissioners respectively; and also to audit the Accounts of the said Commissioners for their pay and necessary Expences, agreeable to the Directions in that Case made and provided in and by the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," passed the Twelfth Day of May, One Thousand Seven Hundred and Eighty-four. And the Treasurer is hereby required to pay unto the said Commissioners respectively, the Ballance of their Accounts, out of any Money unappropriated in the Treasury. And the said Commissioners shall, in every succeeding Three Months after the first Settlement, exhibit their Accounts for Settlement to the said Auditor, in Manner aforesaid.

Forfeited lands on Lake Champlain to be sold.

XXII. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for the Commissioners of Forfeitures for the Time being, for the eastern District, to sell at public Vendue, all that certain Tract of Land, being the southernmost of two certain Tracts of Land, on the West Side of Lake Champlain, granted unto Philip Skeene, by Letters Patent, bearing Date the Sixth Day of July, One Thousand Seven Hundred and Eighty-one, and he is hereby required to sell the same in Twenty equal Shares, by One at a Time, and to give to each of the Purchasers of any Share or Shares thereof, a Deed for such Share or Shares, to hold the same as a Tenant in Common, with the Purchaser or Purchasers of any other Share or Shares, any Thing in this or any other Law of this State to the Contrary hereof notwithstanding.

Provide:

PROVIDED ALWAYS, that nothing herein contained shall be deemed to render void the Privilege granted unto Zephaniah Platt, Esquire, of taking Ore from the said Tract of Land, in Manner directed by the Second Clause of the Act, entitled, "An Act for granting certain Privileges to the Township of Plattsburgh."

Treasurer to pay 6s. to Nathaniel Platt.

XXIII. *And be it further enacted by the Authority aforesaid,* That the Treasurer of this State be, and he is hereby required to pay unto Nathaniel Platt, Assignee of Benjamin

Benjamin Sands, the Sum of Sixty-five Pounds, with the Interest from the First Day of August, One Thousand Seven Hundred and Eighty-one, being for so much Money in the Bills of the New Emission, received of the said Benjamin Sands, by Jonathan Lawrence, Esquire, one of the Commissioners appointed for the Sale of confiscated and forfeited Estates, in Part Payment for a Farm in Dutchess County, which has not been forfeited or confiscated, and by him put into the Treasury.

AND WHEREAS Doubts have arisen, respecting the Title of the People of this State to a certain House and Lot in Wall Street, in the City of New-York, now possessed by Ann White, the Widow of Thomas White, late of the City of New-York, deceased, an attainted Person: AND WHEREAS the said House and Lot has been located by Charles M^cKnight of the City of New-York, Physician.

Preamble respecting a house and lot in possession of Ann White.

XXIV. Be it therefore enacted by the Authority aforesaid, That the like Relief shall be extended to the said Charles M^cKnight as is by this Act extended to Abraham Bloodgood; and the Commissioners of Forfeitures for the southern District are hereby required to Stay the Sale of the said House and Lot until the further Order of this Legislature.

The sale thereof stayed.

XXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the western District to Convey to the Trustees of the reformed Protestant Dutch Church at Caghawaga, in the County of Montgomery, by the Name in which they now are or shall be incorporated, pursuant to the Law of this State in that Case made and provided, Twenty Acres of Land, described in the Condition of a Bond, executed by John Butler to Cornelius Smith, Johannes Veeder and Johannes E. Van Eps, bearing Date the Seventeenth Day of January, One Thousand Seven Hundred and Sixty-three.

Commissioners to convey 20 acres to Trustees of a Dutch Church at Caghawaga.

XXVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of Forfeitures for the southern District to Convey to the Trustees of the reformed Dutch Church, at Tarry-Town, in the Manor of Philipsburg, in the County of Westchester, by the Name in which they now are, or shall be incorporated, pursuant to the Law of this State in that Case made and provided, the Church and Two Acres of Land adjoining thereto, including the Burial Ground, situate near the the Upper Mills, in the said Manor; and also a certain Farm situate near Tarry-Town aforesaid, lately possessed by Samuel Husted, deceased, and now in the Possession of Stephen Van Vorhis, the present Minister of the said Church, containing about One Hundred Acres, the Improvements of which were purchased by the Trustees of the said Church, in lieu of such Lands as were heretofore set apart by the former Proprietor of the said Manor for the Use of the said Church, and are directed to be sold by the said Commissioners. And also to Convey to such Trustees as aforesaid, of the Episcopal Church in the said Manor, the Church or Building situate near the Mansion House, lately the Residence of Frederick Philips of the said Manor, together with Two Acres of Land adjoining to the said Church. And also the Parsonage or Glebe, situate on the East Side of Saw Mill River, in the said Manor, and now in the Occupation of the Widow of Luke Babcock, Clerk, late deceased, containing about Ninety-seven Acres, which was by the said Frederick Philips heretofore appropriated for a Parsonage or Glebe.

To the Church in Tarry-Town.

And to an episcopal church.

AND in order to Arrest the Interest accruing on Bills of the said New Emission now in Circulation,

XXVII. Be it further enacted by the Authority aforesaid, That the Treasurer shall immediately after the passing of this Act, redeem as much of the said New Emission as he is now enabled to do, or shall from Time to Time hereafter be enabled to do, with any Gold or Silver now in the Treasury, or which may hereafter come therein, and which has arisen, or may arise from the Sales of forfeited and confiscated Estates.

Paper money to be redeemed with specie.

AND WHEREAS there have been unnecessary delays in the Sale of the confiscated Estates in some Parts of this State. Therefore,

XXVIII. Be it further enacted by the Authority aforesaid, That the Commissioners of Forfeitures for the several Districts of this State shall, and they are hereby directed and required, to collect the Monies remaining due upon the Sales of confiscated Estates, and

to proceed in the Sales of such of them as remain unsold, and directed to be sold by the said Act hereby amended, with all convenient Speed.

Certain slaves manumitted.

XXIX. *And be it further enacted by the Authority aforesaid,* That all Negro Slaves become the Property of the People of this State, by the Attainder or Conviction of any Person whomsoever, and now in Possession of the Commissioners of Forfeitures, be, and they are hereby manumitted.

Such slaves infirm, how to be subsisted.

XXX. *And be it further enacted by the Authority aforesaid,* That the Commissioners of Forfeitures for the several Districts be, and they hereby are required to provide for the comfortable Subsistence of all such Slaves so forfeited in their respective Districts, as by Age or Infirmary are become unable to gain a Subsistence, at the Expence of the People of this State.

Preamble relative to Skeene's estates.

AND WHEREAS there are supposed to be sundry Mortgages on the forfeited Estates of Philip Skeene and Andrew Skeene, at Skeensborough, the Amount whereof cannot be ascertained, as the Records of the County of Washington, late County of Charlotte, have hitherto not been found, but are supposed to be in Canada. AND WHEREAS his Excellency the Governor is requested to pursue Measures for the Recovery of the said Records. Therefore,

Sales thereof postponed.

XXXI. *Be it enacted by the Authority aforesaid,* That the Commissioner of Forfeitures for the eastern District shall be, and he is hereby required to Stay the Sale of the said forfeited Estates, until the said Records shall be recovered, and lodged with the Clerk of the County of Washington, or until his Excellency the Governor shall advise the said Commissioner that the said Records cannot be obtained, or until the further Order of the Legislature.

C H A P. LIX.

A N A C T for Building Two Court Houses and a Gaol in the County of Westchester, and raising Monies for that Purpose. Passed the 1st. of May, 1786.

Supervisors in Westchester county to raise 1800l. for building court-houses, &c.

I. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Supervisors of the several Towns, Manors and Precincts, in the County of Westchester, for the Time being shall be, and they are hereby authorized and required, to Cause to be raised and levied, on the Freeholders and Inhabitants of the said County, a Sum not exceeding One Thousand Eight Hundred Pounds, for building Two Court Houses and a Gaol in the said County, with an additional Sum of Six-Pence in the Pound for collecting the same; which said Sums shall be raised, levied and collected, in like Manner as the other necessary and contingent Charges of the County are raised, levied and collected.

Said sum when to be apportioned.

II. *And be it further enacted by the Authority aforesaid,* That the said Supervisors shall meet at Bedford, in the said County, on the second Tuesday in May, in this present Year, 1786, for the Purpose of dividing and apportioning among the several Towns, Manors and Precincts of the said County, the Money to be raised by Virtue of this Act; and it is hereby made the Duty of the Clerk of the said Supervisors to notify the respective Supervisors of such Meeting.

When to be paid into the county treasury.

III. *And be it further enacted by the Authority aforesaid,* That one Moiety of the Sum to be raised as aforesaid, shall be collected and paid into the Treasury of the said County, on or before the First Day of October next; and the other Moiety thereof, on or before the First Day of April next.

Number and situation of the court-houses, &c.

IV. *And be it further enacted by the Authority aforesaid,* That there shall be Two Court Houses and a Gaol in the said County of Westchester; that one Court House and the Gaol shall be erected and built at the White Plains, on or near the Place where the Court House and Gaol formerly stood; and the other Court House shall be erected and built at Bedford, in the said County; that the First Moiety of the Money to be raised by Virtue of this Act, shall be applied to building the Court House and Gaol at the White Plains; and that Four Hundred Pounds of the Second

Moiety

Moiety of the Money to be raised by Virtue of this Act, shall be applied to building a Court House at Bedford, and the Residue of the said Second Moiety shall be applied towards compleating the Court House and Gaol at the White Plains.

V. *And be it further enacted by the Authority aforesaid*, That Stephen Ward, Ebenezer Lockwood, Jonathan G. Tompkins, Ebenezer Purdy, Thomas Thomas, Richard Hatfield and Richard Sacket, junior, Esquires, be, and they are hereby authorized and empowered to superintend and direct the building of the said Court Houses and Gaol, by Virtue of this Act; in such Manner as they or a Majority of them shall from Time to Time judge most eligible, consistent with Oeconomy and the Interest of the County; to Contract with Workmen, purchase Materials, employ an Overseer or Overseers of such Workmen, and occasionally to draw upon the Treasurer of the County, for such Sums of Money as may be necessary for the Purposes aforesaid. And the said Treasurer is hereby required, out of the Money so to be raised as aforesaid, to pay to the Order of the before named Persons, or a Majority of them, such Sums as they may from Time to Time draw for, retaining in his Hands a Sum not exceeding One Half per Cent. on the Monies received and paid out by him by Virtue of this Act. And the before mentioned Persons shall, when thereunto required by the Supervisors of the said County, account for the Money so by them to be received and expended.

Names of Superintendents for building the court-houses, &c.

VI. *And be it further enacted by the Authority aforesaid*, That if the said Treasurer, or any Supervisor, Assessor, or Collector shall neglect or refuse to perform the Duty required of him by this Act, the Person so neglecting or refusing shall forfeit the Sum of Fifty Pounds, to be recovered in an Action of Debt, in any Court of Record within this State, by the before mentioned Stephen Ward, Ebenezer Lockwood, Jonathan G. Tompkins, Ebenezer Purdy, Thomas Thomas, Richard Hatfield and Richard Sacket, junior, or the Survivors of them; which Forfeiture or Forfeitures when recovered, shall be applied to defraying the Expences of Building the said Gaol,

Penalty on Treasurer and Supervisors for neglect of duty.

VII. *And be it further enacted by the Authority aforesaid*, That as soon as the said Court House to be erected at the White Plains, shall in the Opinion of the Judges and Justices of the Inferior Court of Common Pleas and General Sessions of the Peace of the said County of Westchester, or a Majority of them, be sufficiently convenient for holding Courts therein, the said Judges and Justices shall adjourn the said Courts, to be held at the next Term thereof at the Court House in the White Plains. And that thenceforth the Inferior Courts of Common Pleas and General Sessions of the Peace, to be holden in and for the said County of Westchester, shall be alternately held at the Court House in the White Plains, and at the Presbyterian Meeting House in the Township of Bedford, or at the Court House to be erected at Bedford. And that as soon as the Court House to be erected at Bedford, shall in the Opinion of the Court then met at Bedford aforesaid, be deemed convenient for holding Courts therein, the then Term, and every Term thereafter to be held at Bedford, shall be held at the Court House in Bedford; and that nothing in this Act contained shall be construed to vitiate any Process, Recognizance, Notice or other Proceedings depending in the said Courts.

When the court may be adjourned to White Plains.

Courts to be held alternately at White Plains and Bedford.

VIII. *And be it further enacted by the Authority aforesaid*, That as soon as the said Gaol to be erected at the White Plains, shall, by the Judges of the Inferior Court of Common Pleas of the said County, or a Majority of them, be deemed sufficient for the Detention of Prisoners, they shall signify the same to the Sheriff of the County for the Time being, who is hereby required, as soon as conveniently may be, to remove all Prisoners then in his Custody, to the Gaol at the White Plains, and that thenceforth the said Gaol shall be the Gaol of the County.

Sheriff to remove prisoners to White Plains.

C H A P. LX.

A N A C T for the Relief of William Nicoll. Passed the 3d of May, 1786.

WHEREAS William Nicoll, late of Islip, in the County of Suffolk, Esquire, deceased, did among other Things, give and bequeath in the Words and Manner following, unto his Son, William Nicoll, " All my Lands and Hereditaments,

Preamble respecting William Nicoll's will.

"ments at Islip, in the County of Suffolk, not herein after disposed of to my
 "Daughters, for and during his natural Life, without Impeachment of Waste, sub-
 "ject to the Authority herein after given to my Executors, with Remainder to the
 "Honorable George Duncan Ludlow, Esquire, and the Honorable Whitehead Hicks,
 "Esquire, both of Queens County, in New-York aforesaid, and their Heirs, during
 "the Life of my said Son, William, to preserve the contingent Remainders, herein
 "after limited, TO WIT, with Remainder to the First Son of my said Son William,
 "for Life, with Remainder to the said Trustees and their Heirs, during the Life of
 "the said First Son of my said Son William, to preserve the contingent Remainders
 "herein after limited, TO WIT, with Remainder to the First and every other Son and
 "Sons of the eldest Son of my said Son William successively, according to their se-
 "niority the eldest to be preferred before the younger. TO HOLD the same in
 "Tail Male, and in Case of the Death of the First Son of my Son said William, without
 "Issue, then I give the said Lands Tenements and Hereditaments to the Second Son,
 "and the Issue Male of such Second Son, in the same Manner as if I had repeated the
 "above Devise to his First or eldest Son, with like Devises to the said Trustees, for
 "preserving contingent Remainders, intending to give an Estate for Life only, to such
 "Second Son, with a Tail to his Issue Male successively, and so to every other Son of
 "my said Son William, and the Issue of such Son successively, upon the like Contin-
 "gencies." And in Default of such Issue Male, then to the eldest Daughter of his
 "said Son William, for Life, without Impeachment of Waste, with Remainder over to
 "the First and every Son of such Daughter successively, to hold in Tail Male, and in
 "Default of such Issue, then to the Second and every other Daughter of his said Son Wil-
 "liam, successively, for Life, with like Remainders over to their respective Sons succe-
 "ssively, in Tail Male, and in Default of such Issue, then to his Son Samuel Benjamin
 "for Life, without Impeachment of Waste, with like Remainders over, to preserve the
 "contingent Remainder to this said Son Samuel Benjamin, and his Heirs Male, (without
 "Regard to his Female Issue) in the same Manner as he had before limited the same
 "Estate to his Son William for Life, and then to his Issue Male, and in Default of such
 "Issue Male of his said Son Samuel Benjamin, then to his three Daughters, and their
 "Issue Male, to be equally divided between them, and in Default of their Issue Male,
 "then to their Issue Female, to be in like Manner equally divided, and did, in the said last
 "Will and Testament declare, that it was his general Intent to continue the Estate at
 "Islip, first in the Male Descendants of his Son William, then in the Male Issue of his
 "Daughters, then in the Male Issue of his Son Samuel Benjamin, then in the Male Issue
 "of his own Three Daughters, in Severalty, and upon Failure of such Male Issue, then
 "to their Issue Female, in Severalty, and that it should not be in the Power of any of
 "his Descendants before his Great Grand Children, to cut off the Entail.

Reciting a petiti-
 on of William Ni-
 coll, his son, praying
 relief against doubts
 arising on said will.

AND WHEREAS the said William Nicoll, the Son, the Devisee in the before in
 Part recited Will mentioned, hath presented his Petition to the Legislature, setting
 forth, that Doubts have arisen whether the Estate which he holds under the said Will,
 be an Estate Tail, or only for Life, that many of the Farms in Islip, were, at the
 Time of his Fathers decease, leased at very low Rents, and that he is charged by the
 said Will with the Payment of Annuities to the Amount of One Hundred and Twen-
 ty-six Pounds, for Ten Years, to his Three Sisters, and an Annuity of One Hundred
 Pounds for Twelve Years to his Brother. That conceiving himself to be possessed of
 an Estate in Tail, he had been induced to contract Debts to a large Amount, but that
 the Doubts respecting the Nature of his Estate are such, as render it impracticable to sell
 any Part of the Lands so as to Discharge his Debts; that a number of Executions have
 been issued against him, that should they be levied on his Estate, while the Doubts respect-
 ing it remain, it would prove insufficient to pay his Debts; he must be turned out of the
 Possession, and deprived, not only of the Means for suitably educating his Children,
 but of subsisting his Family, and the greater Part of his Creditors thereby ruined.
 That if Trustees were to be appointed by the Legislature, with Authority to sell so
 much of the Lands as would produce the Sum of Four Thousand Pounds, these Evils
 might be prevented, and he enabled, by honest Industry and Application, in a short
 Time to Discharge the remainder of his Debts, and praying for such Relief as the Le-
 gislature shall deem meet.

AND

AND WHEREAS the said Samuel Benjamin Nicoll, to whom a contingent Remainder in the Lands and Hereditaments in Islip, by the aforesaid Will is limited, hath by his Petition signified his Desire that the Legislature would afford Relief to his Brother, the said William Nicoll. AND WHEREAS there is Reason to believe, that great Destruction will inevitably take Place, upon the Lands and Tenements aforesaid, if the Possession of them, during the Life of the said William, should be sold to the highest Bidder, whereby the Estate of the Remainder Man will be greatly impaired, besides the Injury which he must sustain by being deprived of the Advantages of a suitable Education, who being an Infant, and unable to Act for himself, and there being no Law in this State, affording relief in Cases thus particularly circumstanced, it is become necessary for the Legislature to interpose, and by Law, as far as is possible, to preserve the Estate of the Infant in Remainder, and provide for his Maintenance and Education. Therefore,

Further recital.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That as soon as the said William Nicoll shall, by good and sufficient Deeds, have conveyed to Ezra L'Hommedieu, William Floyd and Selah Strong, Esquires, all his Right, Title, Interest and Estate, in and to the Lands, Tenements and Hereditaments at Islip, devised to him by the before mentioned last Will and Testament of his Father, the said William Nicoll, deceased, the same shall therefrom and thereafter be vested in the said Ezra L' Hommedieu, William Floyd and Selah Strong, their Heirs and Assigns for ever, in Trust for the following Purposes, that is to say, to sell so much thereof as shall be sufficient to raise the Sum of Four Thousand Pounds, to be applied to the Payment of the Debts owing by the said William Nicoll, but if such Debts shall not amount to the Sum of Four Thousand Pounds, then to sell so much only as will be necessary to Discharge the same. And that the Deeds to be given by the said Ezra L'Hommedieu, William Floyd and Selah Strong, to the Purchaser or Purchasers of the Lands to be by them sold by Virtue of this Act, shall operate to vest a Fee Simple Title in such Purchaser or Purchasers. That the said Ezra L'Hommedieu, William Floyd and Selah Strong, shall then Lease out the Residue and Remainder of the said Lands and Tenements, for any Term, not exceeding the Life of the said William Nicoll, or Seven Years, reserving the highest Rents that can be obtained for the same, and to apply the Monies arising from such Rents, in the first Instance to the Payment of the Annuities charged thereon by the Will aforesaid, and then to the Maintenance and Education of such Issue of the said William Nicoll, as shall be next in Remainder, according to the disposition in the said Will made, and the Residue of such Rents to be paid to the said William Nicoll, or his Assigns, during his Life; and from and after the Death of the said William Nicoll, the said Residue of the said Lands, Tenements and Hereditaments, shall revert to the Uses and Trusts of the aforesaid Will, as if this Act had never been made.

Impowering William Nicoll to convey his estate at Islip in trust for certain purposes.

II. And be it further enacted by the Authority aforesaid, That the said Trustees shall, before they enter upon the Execution of the Trust hereby reposed in them, give Bonds to the People of this State in such Sum, and with such Security, as the Chancellor of this State shall direct, conditioned for the faithful Performance and Discharge of the Duties and Trust committed to them by this Act.

Trustees duty.

C H A P. LXI.

A N A C T for giving and granting to the United States in Congress assembled, certain Imposts and Duties on Foreign Goods imported into this State, for the Special Purpose of paying the Principal and Interest of the Debt, contracted in the Prosecution of the late War with Great Britain. Passed the 4th of May, 1786.

WHEREAS the People of this State are disposed to contribute to the utmost of their Power to the Payment of the Debt contracted for the Common Defence of the Union during the late War. Therefore,

Preamble.

H h

I.

Duties upon all goods imported into this State, given to Congress.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the People of this State do give and grant to the United States in Congress assembled, to be levied, collected and applied in the Manner herein after mentioned, the following Duties upon Goods imported into this State, from any Foreign Port, Island or Plantation whatsoever, that is to say: Upon all Rum, Jamaica Proof, per Gallon, Four Ninetieths of a Dollar; upon all other Spirituous Liquors, Three Ninetieths; upon Madeira Wine, Twelve Ninetieths; upon all other Wines, Six Ninetieths; upon common Bohea Tea, per Pound, Six Ninetieths; upon all other Teas, Twenty-four Ninetieths; upon Pepper, per Pound, Three Ninetieths; upon brown Sugar, per Pound, One-half Ninetieth; upon Loaf Sugar, per Pound, Two Ninetieths; upon all other Sugars, One Ninetieth; upon Molasses, per Gallon, One Ninetieth; upon Cocoa and Coffee, per Pound, One Ninetieth; upon all other Goods, a Duty of Five per Cent. ad Valorem, at the Time and Place of Importation.

Duties how to be collected and accounted for to Congress.

II. And be it further enacted by the Authority aforesaid, That the said Duties and Imposts shall be levied and collected in the Manner directed in and by the Act, entitled, "An Act imposing Duties on certain Goods, Wares and Merchandize imported into this State," passed the Eighteenth Day of November, One Thousand Seven Hundred and Eighty-four. And it is hereby made the Duty of the Collectors of the said Duties, to render a just and true Account thereof, from Time to Time, when thereunto required, to the United States in Congress assembled.

Duties when collected, how applied.

III. And be it further enacted by the Authority aforesaid, That the Collector or Collectors of the said Duties of Imposts, within this State, for the Time being, shall from Time to Time, during the continuance of this Act, pay to the United States in Congress assembled, or to their Order, the whole Amount of the said Duties, after deducting the Salaries of the several Officers concerned or employed in collecting the same, to be by them applied towards paying the Principal and Interest of the Debt contracted during the late War with Great Britain.

Proviso.

PROVIDED ALWAYS, that the said Salaries shall not exceed Eight per Cent. on the product of the said Impost.

Penalty on delinquent Collectors.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the United States in Congress assembled, to cause the said Collectors, or any other Person concerned or employed in collecting the said Duties and Imposts, to be prosecuted, by Information to be filed in the Supreme Court of Judicature, or in the Court of Exchequer, by the Attorney of the United States, to be appointed by their Resolution or Act, for any default or neglect in the Execution of the Duties required of them by this Act, or by the said Act, entitled, "An Act imposing Duties on certain Goods, Wares and Merchandize imported into this State." And that all Fines imposed on Conviction for such Neglect or Default, shall be applied to the Use of the United States, and upon every such Conviction, another Person shall be appointed instead of the Person so convicted.

Recital.

AND WHEREAS it is the Intention of the Legislature that the Monies arising by the said Duties shall be applied to the Discharge of the Principal and Interest of the Debts contracted by the United States, during the late War, and to no other Purpose whatsoever. Therefore,

Monies arising from the duties, how to be applied by Congress.

V. And be it further enacted by the Authority aforesaid, That it shall and is hereby declared to be a Condition upon which this Act is made, that all the Monies to arise from the Duties or Imposts aforesaid, shall be applied towards the Discharge of the Interest and Principal of the Debts contracted on the Faith of the United States, for supporting the late War. And that an annual Account of the Proceeds and Application of the Revenue aforesaid shall be made out and transmitted to the Person administering the Government of this State for the Time being, to be laid before the Legislature, distinguishing the Produce of each and every of the specified Articles, and the whole of the Revenue received from each State, and an Account of its Application. And upon Failure thereof, the Legislature of this State reserve to themselves the Right of repealing this Act, and the Grant thereby made, any thing in this Act to the contrary notwithstanding.

Account to be exhibited annually.

VI. And be it further enacted by the Authority aforesaid, That this Act shall take Effect and be in Force, whenever the United States in Congress assembled, shall declare to the Person administering the Government of this State for the Time being, that the Imposts aforesaid are agreed to or granted to their Acceptation, for the Term of Twenty-five Years, by the other several States in the Union; and shall continue in Force for the Space of Twenty-five Years, unless the said Debt shall be sooner discharged. And this State shall be answerable to the United States in Congress assembled, that the Monies in which the said Duties and Imposts shall be received and paid by any Law of this State, shall be equal to Gold and Silver Coin.

This act when to take effect, and how long to continue.

VII. And be it further enacted by the Authority aforesaid, That the said Act, entitled, "An Act imposing Duties on certain Goods, Wares and Merchandize imported into this State," so far forth as the same imposed Duties on Goods, Wares and Merchandize, and all other Acts imposing Duties on Goods, Wares and Merchandize imported into this State, or allowing Drawbacks on Goods, Wares and Merchandize exported from this State, shall be, and hereby are respectively suspended, during the Time this Act shall operate and be in Force.

Certain acts suspended.

C H A P. LXII.

A N A C T for vesting the real Estate of Robert Hempsted, Esquire, deceased, in Trustees, for the Payment of his Debts. Passed the 4th of May, 1786.

WHEREAS it hath been represented to the Legislature, that the Estate of Robert Hempsted, Esquire, late of Southold, in the County of Suffolk, deceased, is not sufficient for the Payment of his Debts, and that Mehitabel Hempsted, who by his last Will and Testament was appointed his sole Executrix, has renounced the Administration of the said Will, and that the said Estate is so particularly circumstanced in respect to certain Claims and Debts, that it cannot be settled without great Loss to his Creditors, without the Interposition of the Legislature.

Preamble relative to Robert Hempsted's estate.

AND WHEREAS the Creditors of the said Robert Hempsted, his Heir at Law, and his Widow, the said Mehitabel Hempsted, by their several Petitions, have prayed that the said Estate may be vested in Trustees, for the Payment of the Testator's Debts, and settling the Claims of his Heir at Law: Therefore,

Further preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That all the Estate real and personal, which was of the said Robert Hempsted, at the Time of his Death, be, and the same is hereby vested in Trustees, to wit, in Jonathan N. Havens, Daniel Osburn, and William Horton, junior, of the said County, their Heirs and Assigns, who are hereby authorized and impowered, as soon as may be, after the passing of this Act, to sell and dispose of the said Estate, in such Manner, to such Person or Persons, and for such Sum or Sums of Money, as they, or the Survivors or Survivor of them, shall deem most conducive to the Interest of the said Estate, and to seal and execute good and sufficient Deeds and Conveyances for the real Estate, which Sale or Sales so made, and the Deeds and Conveyances to be executed for the same, by the said Trustees, or the Survivors or Survivor of them, are hereby declared to be good and effectual, to all Intents and Purposes, in Law and Equity, to vest in such Purchaser or Purchasers, the whole Estate and Interest which the said Robert Hempsted, at the Time of his Death, had in the real Estate so purchased.

Estate of Robert Hempsted vested in Trustees for certain purposes.

II. And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or the Survivors or Survivor of them, by and with the Consent of the major Part of the said Creditors, in respect to the amount of their Debts against the said Estate, to agree with Thomas Hempsted, the said Heir at Law of the said Robert Hempsted, to refer to Arbitrators, mutually to be chosen, between the said Trustees, or the Survivors or Survivor of them, and the said Thomas Hempsted, all Claims which he may have in the Right of his Mother, Mary Hempsted, deceased, of, in and to the Lands devised, or ordered to be sold in and by the last Will and Testament of the said Robert Hempsted, deceased: And the Award, Judgment and

Power and duty of the Trustees.

and Determination of the Arbitrators so chosen, or a Majority of them, duly authenticated under their Hands and Seals, acknowledged and entered of Record in the Office of the Clerk of the said County, shall be conclusive to the Parties, so that the said Trustees, or the Survivors or Survivor of them, may sell and dispose of, in Manner aforesaid, all the Lands devised or ordered to be sold in and by the said last Will and Testament of the said Robert Hempsted, deceased, except such Parts thereof as the said Arbitrators shall adjudge, award and determine, to belong to the said Thomas Hempsted, in the Right of his Mother, as aforesaid.

Proviso.

PROVIDED ALWAYS, that the said Trustees, or the Survivors or Survivor of them, by and with the Consent of the Creditors, as aforesaid, may agree and settle with the said Thomas Hempsted, all Disputes respecting his said Claim, which Agreement shall be binding on all the said Creditors.

Power and duty
of the Trustees,

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, by and with such Consent of the Creditors as aforesaid, to purchase of Mehitabel Hempsted, the said Widow of the said Robert Hempsted, her Right of Dower of, in or to the Lands which belonged to him at the Time of his Death, and to pay her such Sum or Sums of Money as shall be agreed on by her and the said Trustees, for her Release of her said Right of Dower, and by such Consent as aforesaid, to settle all Disputes which may arise between her and them respecting the said Personal Estate, by Arbitration, or Otherwise as may be agreed on.

To bring suits,
and make division,
&c.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or the Survivors or Survivor of them, to bring a Suit or Suits for the Recovery of any Estate belonging, or Debts due to the said Robert Hempsted, and shall, within One Year hereafter make a Division of all the Monies belonging to the said Estate, which may have come into their Hands, among the said Creditors, in equal Proportion, according to the Amount of their respective Debts, without any Preference to Bonds or other sealed Instruments, giving timely Notice to the said Creditors of the Time and Place of making such Division, and within One Year thereafter, shall make a further Division, in Manner aforesaid, if they shall have any such Monies in their Hands, and shall within that Time, make a final Settlement of the said Estate, retaining in their Hands such Sum of Money for their Services and Expences in settling the said Estate, as shall be allowed by such Majority of the Creditors as aforesaid, and in Case there should be any Estate remaining, after paying the Debts and Expences as aforesaid, the same shall be distributed and disposed of by the said Trustees, as is directed in and by the last Will and Testament of the said Robert Hempsted, deceased.

And to retain an
allowance for their
services.

V. And be it further enacted by the Authority aforesaid, That the Trustees, before they exercise any of the Powers hereby given, shall file in the Office of the Clerk of the Court of Common Pleas for the County of Suffolk, a Bond in the Penalty of One Thousand Pounds, with such Security as the said Clerk shall think fit, conditioned for the faithful Discharge of the Trust and Powers vested in them in Pursuance of this Act, and to render an Account of the said Estate, when thereunto required.

C H A P. LXIII.

A N A C T for the Payment of the Salaries of the Officers of Government, and other contingent Charges. Passed the 5th of May, 1786.

Salaries of the
officers of govern-
ment.

I. **B**E it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Treasurer of the State shall pay out of any unappropriated Monies in the Treasury, the following Sums as herein after directed, that is to say,

To the Governor.

To his Excellency the Governor, for administering the Government of this State from the First Day of July last, to the First Day of July next, at and after the Rate of One Thousand Five Hundred Pounds per Annum.

To

To the Person administering the Government of the State for the Time being, to defray the incidental Charges which may arise in and about the administering the Government of this State, such Sum or Sums of Money as he shall from Time to Time, by Warrant under his Hand, and the Privy Seal of the State, draw from the Treasury of the State, for the Purpose, not to exceed in the Whole the Sum of One Hundred and Fifty Pounds.

To the Governor for incidental charges.

To the Honorable Robert R. Livingston, Esquire, Chancellor, for his Services in that Station, from the First Day of July last to the First Day of July next, at and after the Rate of Five Hundred Pounds per Annum.

To the Chancellor.

To the Honorable Richard Morris, Esquire, Chief Justice of this State, for his Services in that Station, from and to the respective Times aforesaid, at and after the Rate of Five Hundred Pounds per Annum.

To the Chief Justice.

To the Honorable Robert Yates and John Sloss Hobart, Esquires, Puisne Justices of the Supreme Court of this State respectively, for their Services in that Station, from and to the respective Times aforesaid, at and after the Rate of Five Hundred Pounds per Annum.

To the Puisne Justices.

To the Secretary of the State, for attending the Legislature during the present Sessions, for the Purpose of receiving the Laws, and for attending the Council of Appointment, from the First Day of July last, to the First Day of July next, at and after the Rate of Thirty Pounds per Annum.

To the Secretary.

To the said Secretary, for his Services in recording the Laws, making Copies thereof, with marginal Notes, for the Press, and making Copies, by Direction of the Governor, or of the Senate or Assembly, and for engrossing the Minutes of the Council of Appointment from Time to Time, after the Rate of One Shilling and Six-Pence per Folio, to consist of One Hundred and Twenty-eight Words, agreeable to such Accounts thereof as he shall produce, audited by the Auditor of this State.

For his audited Account.

To the said Secretary, for his extra Services, as Secretary to the Commissioners of the Land-Office, to the Time of passing this Act, the Sum of Seventy Pounds.

For extra services.

To the several Members of the Senate and Assembly, for each and every Day they shall have attended in Senate and Assembly, during the present Meeting of the Legislature, and for each and every Day they shall have been or may be travelling to and from their respective Places of Abode to the Place of the Meeting of the Legislature, each the Sum of Fourteen Shillings per Day, to be computed at and after the Rate of Thirty Miles per Day, agreeable to such Accounts thereof as they shall respectively produce, certified by the President of the Senate, or the Speaker of the Assembly, as the Case may be, and the Account of the President of the Senate to be certified by the Clerk of the Senate, and the Account of the Speaker of the Assembly to be certified by the Clerk of the Assembly.

To the members of Senate and Assembly.

To John McKesson and Abraham B. Bancker, Esquires, Clerks of the Assembly and Senate, each, the Sum of Thirty Shillings per Day, for their respective Services during the present Sessions. And also the Amount of such Accounts for Monies by them advanced for the Use of the Assembly and Senate as they shall respectively produce, certified by the President of the Senate, or Speaker of the Assembly, as the Case may require.

To the Treasurer of the State, the Sum of Five Hundred Pounds, for his Services, from the First Day of July last to the First Day of July next.

To the Treasurer.

To the said Treasurer, the Sum of Four Hundred Pounds, for the incidental Charges of his Office.

To the Auditor of the State, the Sum of Three Hundred and Fifty Pounds, as his Salary, for the last Year, ending the Twenty-third Day of March last.

To the Auditor.

To the Secretary to his Excellency the Governor, at and after the Rate of One Hundred and Fifty Pounds per Annum.

To the Governor's Secretary.

To each of the Delegates of this State, at and after the Rate of One Pound Twelve Shillings per Day, for such Time as they have attended or shall attend, or were going to or returning from Congress to the respective Places of their Abode, according to such Accounts as they shall respectively produce, audited by the Auditor of this State.

To the Delegates in Congress.

To Egbert Benson, Esquire, Attorney General of this State, at and after the Rate of Two Hundred Pounds per Annum, from the Time of his Appointment to the

To Egbert Benson, Esquire.

to the Governor
of the State

First Day of July next, provided, that on a Settlement of the said Salary, such Sums as have been advanced by the Treasurer of this State to the said Attorney General on Account, shall be deducted.

To Door Keepers.

To the Door Keepers of the Senate and Assembly, at and after the Rate of Sixteen Shillings per Day, agreeable to such Certificates thereof as they shall respectively produce, certified by the President of the Senate or Speaker of the Assembly, as the Case may be.

To the Serjeant at Arms.

To the Serjeant at Arms, at and after the Rate of Twelve Shillings per Day, agreeable to such Certificate thereof as he shall produce, certified by the Speaker of the Assembly.

To the Council of Appointment.

To the Members of the Council of Appointment, at and after the Rate of Sixteen Shillings per Day, during their Attendance on the Council in the Recess of the Legislature, and for the Time of their travelling from and to their respective Places of Abode, according to such Accounts as they shall produce, certified by the Clerk of the said Council.

shall be

And in order the better to enable the Treasurer to make the Payments aforesaid,

Directing Collectors in their office and duty.

II. *Be it further enacted by the Authority aforesaid,* That the Collectors for the Port of New-York and for Sagg Harbor, shall, and they are hereby respectively required to pay into the Treasury of this State, all the Monies arising from the Duties on Goods, Wares and Merchandize imported into this State, on or before the Seventeenth Day of April, One Thousand Seven Hundred and Eighty-six, with all convenient Speed. And if any Person or Persons who have or hath given Bond or Security for Payment of any such Duties, shall refuse or neglect to pay the same, the Collector to whom any such Bond or Security hath been given, shall, and he is hereby required within Ten Days after the same shall become due, to cause such Bonds or Securities to be put in Suit, and to prosecute such Suit or Suits to Effect. And the Monies due, or to become due on such Bonds or Securities, or recovered in any such Suit, shall be paid in Gold or Silver only, to the Collectors, and shall by them respectively be paid to the Treasurer of this State in Gold or Silver only, any Law to the Contrary thereof in any Wise notwithstanding.

shall be

shall be

shall be

C H A P. LXIV.

A N A C T *supplementary to an Act, entitled, "An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned.* Passed the 5th of May, 1786.

Preamble.

WHEREAS the County of Albany has, since the passing of the Act, entitled, "An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned," been divided into Two Counties, by the Names of Albany and Columbia: Therefore,

Regulating the loan of money in Albany county.

I. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same,* That the Bills of Credit, to be emitted in Pursuance of the said Act, and assigned for Loan to the County of Albany, and all and every Proceedings by Virtue of the said Act, respecting the Loan of the said Bills, assigned as aforesaid, to the County of Albany, shall be lent and had in like Manner as if the Act, entitled, "An Act dividing the County of Albany into Two Counties" had not passed.

Loan Officers when to be appointed in certain cases.

II. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the Judges of the Inferior Courts of Common Pleas, and Supervisors of the several Counties, who shall not have appointed Loan-Officers in Pursuance of the Directions of the said Act, on the Day for that Purpose mentioned in the said Act, to make such Appointments on the last Tuesday of May Instant.

shall be

shall be

C H A P. LXV.

A N A C T *to enable Charles John Evans and Agatha his Wife, to make the Conveyance therein mentioned.* Passed the 5th of May, 1786.

Preamble.

WHEREAS a Controversy subsisted between the Heirs and Devisees of John Bradstreet, late of the City of Albany, Esquire, and their Representatives on the one Part, and William Walton and Gerard Walton of the City of New-York, relative to the Lands situate in the County of Montgomery, comprehended within

within the Bounds and Limits following, TO WIT: All that Tract of Land situate and lying on the West Branch of the Delaware River, in the County of Montgomery, Beginning where the Line of Property, as run by Simon Metcalfe, in the Year 1769, departs from the Delaware River, and running along the said Line, as the Needle pointed in the Year 1769, before mentioned, North Nine Degrees, East One Thousand Three Hundred Chains, to the Tract granted to Alexander Wallace and Others, then along the same, as the Needle pointed in the Year 1770, East Three Hundred and Seventy-two Chains, to the North-west Corner of a Tract of Thirty Thousand Acres of Land, granted to John Rapalje and Others, thence along the West Bounds thereof, as the Needle pointed in the Year 1775, South One Degree and Thirty Minutes, East One Thousand Chains, to the West Branch of Delaware River aforesaid, and then, westerly, along the said Branch, as it winds and turns, to the Place of Beginning, containing Fifty-one Thousand Acres of Land, and the usual Allowance for Highways.

AND ALSO, all that certain Tract or Parcel of Land, situate, lying and being in the County of Montgomery, Beginning at the South-west Corner of a Tract of Twenty Thousand Acres of Land, granted to William Walton and Others, in the Year 1770, which Corner is on the West Bank of the West Branch of Delaware River, at or near the Mouth of a Creek, called Caniskutty, and runs thence along the Line of the said Tract North Twenty-two Degrees, West One Thousand and Seventy Chains, to a Tract of Twenty-eight Thousand Acres of Land, on Susquehanna River, granted to Alexander Wallace and Others, then along the last mentioned Tract South Fifty Degrees, West Ten Chains and Sixty-two Links, to a Tract of Thirty Thousand Acres of Land granted in the Year 1775 to John Rapalje and Others, thence along the Line thereof South Twenty-two Degrees, East One Thousand and Forty-four Chains to the West Branch of Delaware River, aforesaid, and up along the Stream of said Branch to the Place of Beginning, containing One Thousand Acres of Land and the usual Allowance for Highways; to which said Lands, the same being then unpatented, the said Parties respectively laid Claim before the Board of Commissioners of the Land Office.

A certain tract of land described.

AND WHEREAS, for settling and determining such Controversy, Charles John Evans, One of the Persons interested under the Heirs and Devisees of the said John Bradstreet, did, by a certain Agreement under his Hand and Seal, duly executed, covenant and agree, to convey in Fee Simple, Ten Thousand Acres of the said Lands, with the usual Allowance for Highways to the said William Walton and Gerard Walton, One Thousand Acres whereof and the usual Allowance for Highways, to be located between the Township of Walton, and a certain Tract of Land granted to John Rapalje and Others, and the other Nine Thousand Acres, with the usual Allowance for Highways to adjoin the said Tract so granted to the said John Rapalje and Others, and to begin in the southerly Bounds of a Tract of Land on the Susquehanna River, granted to Alexander Wallace and Others, at a small Beech Corner Tree, marked W C, 1773, which Tree is surrounded with Stones, and stands on the West Side of a Run of Water, thence from the said Corner Tree, along a Line of Trees, marked for the Bounds of a Tract of Land granted to Alexander Wallace and Others, West One Hundred Chains, thence South One Degree and Thirty Minutes West, to the Cookquago Branch of Delaware River aforesaid, thence up the same River easterly, as it winds and turns, to the Lands so granted to the said John Rapalje and Others, then along the Bounds thereof, North, One Degree and Thirty Minutes West, One Thousand Chains, to the Place of Beginning, and the said William Walton and Gerard Walton, for themselves and their Associates, thereupon relinquished their Claims to the said Tract of Land First above described.

Reciting a covenant between C. J. Evans, and the Waltons.

AND WHEREAS Two certain Letters Patent have lately been issued under the Great Seal of this State, respectively bearing Date the Twelfth Day of January, 1786, for granting the said Lands to Agatha Evans, Wife to the said Charles John Evans, Elizabeth Livius, Wife of Peter Livius, and Samuel Bradstreet and Martha Bradstreet, all Devisees of John Bradstreet.

Reciting that two patents have issued to the representatives of Bradstreet,

AND WHEREAS several of the said Representatives of Martha Bradstreet, One other of the Devisees of the said John Bradstreet, are Minors, but the said Agreement was entered into by the Consent and Approbation of the Attornies of Sir

and assented to by the parties.

Charles

Charles Gould, the sole Executor of the last Will and Testament of the said Martha Bradstreet, who was authorized in and by the last Will and Testament to dispose of all the real Estate of the said Martha Bradstreet.

AND WHEREAS it is represented that the said Agreement was beneficial to the said Minors: Therefore,

Power given to
C. J. Evans and his
wife, to dispose of
certain lands, &c.

I. **BE it enacted** by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That it shall and may be lawful to and for the said Charles John Evans, and Agatha his Wife, to convey and grant to the said William Walton and Gerard Walton, their Heirs and Assigns forever, the said Ten Thousand Acres of Land, agreed by the said Charles John Evans to be conveyed to them as aforesaid, and that from and after the said Charles John Evans and Agatha his Wife, shall have granted and conveyed the same, all and every Person or Persons claiming or deriving Title under the said Letters Patent, shall be barred and precluded therefrom, and such Title shall be vested in the said William Walton and Gerard Walton, their Heirs and Assigns forever, as fully and absolutely as if all the Persons deriving Title under the said Letters Patent, had become Parties to the said Conveyance.

C H A P. LXVI.

A N A C T for the Payment of certain Sums of Money, and for other Purposes therein mentioned. Passed the 5th of May, 1786.

Treasurer to pay
the following sums
to the following
persons.

To Isaac Roosevelt
and John Stagg.

To Reuben Bloomer

Commissioners of
Sequestration to take
certificates, &c.

Commissioners &
others possessed of
books, &c. to deli-
ver them to the
Treasurer.

I. **BE it enacted** by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That the Treasurer of this State shall, out of the Monies which now are, or hereafter may be in the Treasury, and not otherwise specially appropriated, pay to Isaac Roosevelt and John Stagg, Esquires, such Sums of Money as have been advanced and applied by them towards repairing the Hospital in this City, for the Use of the State, not exceeding in the Whole the Sum of Two Hundred and Forty Pounds.

II. **And be it further enacted** by the Authority aforesaid, That the Treasurer shall and he is hereby required to ascertain the Sum due for Principal and Interest on a certain Bond, bearing Date the Twenty-fifth Day of March, One Thousand Seven Hundred and Seventy-five, executed by Gilbert Drake, of the County of Westchester, to William Lownsbury, in the penal Sum of One Hundred and Fifty-four Pounds, and conditioned for the Payment of Seventy Pounds, and for the Sum so due as aforesaid, to issue a Certificate to Reuben Bloomer, Executor of the last Will and Testament of the said William Lownsbury, now deceased, which Certificate shall bear an Interest of Five per Cent. per Annum.

III. **And be it further enacted** by the Authority aforesaid, That it shall and may be lawful for the late Commissioners of Sequestration of the several Counties in this State, to receive in Payment of Debts due for Articles sold, or Rents reserved by them, any of the public Securities designated in the Fifth Section of the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned," provided such Payment shall be made by the said Commissioners into the Treasury of this State, on or before the First Day of October next.

IV. **And be it further enacted** by the Authority aforesaid, That it shall be, and it is hereby made the Duty of the late Commissioners of Sequestration, and of all other Persons possessing Books, Papers, Bonds, Notes, or other Evidences of Debts due from any Person or Persons to any Estate or Estates, forfeited to the People of this State, to deliver the same to the Treasurer of this State without Delay. And it is hereby made the Duty of the Treasurer to receive such Books, Papers, Bonds, Notes, or other Evidences of Debts due as aforesaid, and on Neglect or Refusal of any Person or Persons in whose Possession such Books, Papers, Bonds, Notes or other Evidences of Debts shall be, to deliver the same, the said Treasurer is hereby directed to prosecute the Person or Persons so neglecting or refusing, in any Action of Debt or Detinue, in his own Name, in any Court of Record within this State, having Cognizance of the same.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer, and he is hereby required to issue to John Alsop, a Certificate, bearing an Interest of Five per Cent. per Annum, for such Sum as shall appear to be due to him by an Account to be audited by the Auditor of this State, for his Proportion of the Amount of the Sales of Tea, the Property of the said John Alsop and Christopher Smith, which was seized and sold by the Commissioners of Sequestration in Ulster County during the late War.

Relief granted to John Alsop.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer, and he is hereby required to issue to Jonathan Shepherd, a Certificate for the Sum of Seventy-four Pounds Thirteen Shillings and Four-Pence, to replace a like Certificate formerly granted to the said Jonathan Shepherd, which was casually burnt: PROVIDED that the said Jonathan Shepherd shall previously make Oath of such loss; and describe the said Certificate to the Satisfaction of the Treasurer, and give Bond in a Sum double the Amount of the Principal and Interest due on such Certificate, with sufficient Security to the Treasurer of this State, to be approved of by the said Treasurer, to indemnify the People of this State in the Premises.

To Jonathan Shepherd.

VII. And be it further enacted by the Authority aforesaid, That the Treasurer of this State be, and he is hereby authorized and required, to issue a Certificate to Peter Ricker, for the Sum of One Hundred and Twenty-seven Pounds Ten Shillings, with the Interest thereon from the First Day of October last, being the Sum paid by the said Peter Ricker to the Loan-Officers of the County of Westchester, in Discharge of a Mortgage on a Farm, forfeited to the People of this State by the Conviction of Shubal Sniffen, and purchased by the said Peter Ricker.

To Peter Ricker.

VIII. And be it further enacted by the Authority aforesaid, That the said Treasurer shall pay to Brinton Paine, Esquire, the Amount of such Account as he shall produce, audited by the Auditor of this State, for Monies expended by the said Brinton Paine, for procuring Necessaries for Prisoners, Citizens of this State, and of the other United States, while in Captivity; not exceeding in the whole the Sum of Fifty-two Pounds Ten Shillings, and that the said Sum be charged to the Account of the United States.

To Brinton Paine.

IX. And be it further enacted by the Authority aforesaid, That the Treasurer of this State shall pay to Nicholas Fish, Esquire, Ninety-four Pounds Fourteen Shillings and Five-Pence, which, together with Forty-eight Pounds advanced to him by his Excellency the Governor, is in full for his Services and Expenditures, for repairing to the Province of Quebec, to convey an Exemplification of the Definitive Treaty between the United States and the King of Great-Britain, to the said Province, and for conferring with the Governor of the said Province, respecting the British Garrisons in this State.

To Nicholas Fish.

To Petrus Wynkoop, junior, Nine Pounds Three Shillings, in full, for a Judgment recovered against him by William Pease, for Damages he sustained in Consequence of the said Petrus Wynkoop, junior, having executed a Warrant of Impress, issued by his Excellency the Governor.

To Petrus Wynkoop.

X. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer of this State for the Time being, and he is hereby directed to issue a Certificate to Harrison Palmer and Charles Doughty, for Five Hundred and Twenty-five Pounds Four Shillings and Seven-Pence, being the Amount of Monies detained from them by the late Commissioners for enquiring into, detecting and defeating Conspiracies, payable with Interest at Five per Cent. from the Twenty-third Day of January, in the Year One Thousand Seven Hundred and Seventy-seven, which Sum has been accounted for by the said Commissioners to the Auditor of this State.

To Harrison Palmer and Charles Doughty.

XI. And be it further enacted by the Authority aforesaid, That the Sum of Two Hundred and Twenty-seven Pounds One Shilling and Five-Pence Halfpenny, Loan-Office Money, due from the Estate of Robert Hinchman, deceased, late One of the Loan-Officers of Queens County, shall be and hereby is remitted.

To Estate of Robert Hinchman.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Auditor of this State, in auditing the Accounts of the Commissioners of Sequestration for the late County of Tryon, now Montgomery, and of the County of Westchester, to make such Allowances to the said Commissioners, as shall appear reasonable, for such Sums of Money due for Goods or Chattels sold by the said Commissioners

To the Commissioners of Sequestration for Tryon & Montgomery counties.

missioners respectively, and which it shall appear to the Auditor, by satisfactory Proof, that the said Commissioners were prevented from recovering by the Events of the late War.

Certain persons
restored to the rights
of citizenship.

XIII. *And be it further enacted by the Authority aforesaid*, That the several Persons mentioned in the Third Clause of the Act, entitled, "An Act to preserve the Freedom and Independence of this State, and for other Purposes therein mentioned," passed the 12th Day of May, 1784, and Peter Van Schaack, Richard Bartlett, Theophilus Nelson and Zebulon Walbridge, shall be, and they are hereby respectively restored to all their Rights, Privileges and Immunities as Citizens of this State, from and after such Time as the said Persons respectively shall, in any Court of Record of this State, take the Oath of Abjuration and Allegiance prescribed by Law, any Thing in any former Law contained to the Contrary thereof notwithstanding.

James Peters re-
lieved.

XIV. *And be it further enacted by the Authority aforesaid*, That it shall and may be lawful for James Peters, late of Orange County, to return to, and remain in this State, for the Purpose of settling his private Affairs, any Law to the Contrary notwithstanding.

Relief granted to
Robert Cochran.

XV. *And be it further enacted by the Authority aforesaid*, That One Year's Rent due to this State, for Lands demised to Robert Cochran, at Crown Point, be, and the same is hereby remitted.

To Henry Glenn.

XVI. *And be it further enacted by the Authority aforesaid*, That Udney Hay, Esquire, late State Agent, is hereby authorized and required, to release and discharge Henry Glen, Esquire, of and from a Judgment recovered before John Jacob Beekman, Esquire, against the said Henry Glen, by the said Udney Hay, for Twenty Pounds, as a Forfeiture for neglecting to perform certain Duties required of the said Henry Glen, as Supervisor of the District of Schenectady, in the County of Albany, upon the said Henry Glen's paying the Costs accrued on the said Judgment.

Recital.

AND WHEREAS Two several Locations have been made on a certain Messuage and Farm at Fish Kill, in the County of Dutchess, forfeited to the People of this State by the Conviction of John Kane, and separate Deeds thereof given by the Commissioners of Forfeitures for the Middle District, to John H. Slegt and Charles M'Knight. AND WHEREAS a Suit is now depending between the Persons claiming under the said Deeds respectively, concerning the Title to the said Messuage and Farm. In order therefore to put an End to such Suit, and to quiet the Parties thereto,

Charles M'Knight,
on relinquishing his
purchase, may locate
new.

XVII. *Be it further enacted by the Authority aforesaid*, That as soon as the said Charles M'Knight shall release all his Right, Title and Interest, in and to the said Messuage and Farm, to the said John H. Slegt, or to such Person or Persons as may now hold the same, by Title derived from the said John H. Slegt, that then it shall and may be lawful for the said Charles M'Knight to locate on any forfeited Lands and Tenements in the Southern District of this State, to the Amount of the First Appraisal made of the said Messuage and Farm at Fish Kill, together with the Interest thereof, from the Time of the said First Location. And also, together with the Costs accrued in the Suit above mentioned, to be taxed by a Judge of the Court in which such Suit is pending, shall be considered as so much paid towards the Lands and Tenements which shall be located in Manner aforesaid, to be appraised, conveyed and paid for in like Manner as it is directed by the Act, entitled, "An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States," PROVIDED that if the Lands and Tenements to be located as aforesaid, shall be appraised at an higher Sum than the Amount of the Principal and Interest, and such Costs as aforesaid, the Excess shall be paid in Gold or Silver.

Treasurer to pay
to the Governor for
incidental charges.

XVIII. *And be it further enacted by the Authority aforesaid*, That the Treasurer of this State shall, out of any Monies which now are or hereafter may be in the Treasury, and not otherwise specially appropriated, pay the following Sums of Money, and to the following Persons; that is to say,—To his Excellency the Governor, the Sum of Four Hundred Pounds Thirteen Shillings and Eight-Pence, in Full of his Account for the incidental Charges of administering the Government of this State, after deducting the several Sums he has received on Account thereof; and also the Sum of One Hundred and Forty-nine Pounds and Two-Pence, for Monies advanced by him for defraying the Expences of, and making Presents to certain Oneida Indians, in Pursuance of concurrent Resolutions of the Senate and Assembly, of the Seventh Day of March last.

To

To Gilbert Livingston and Augustine Lawrence, Esquires, One Hundred and Forty Pounds, for signing, stamping and delivering certain Bills of Credit, commonly called Bills of the New Emission.

Treasurer to pay
140l to G. Living-
ston and A. Law-
rence.

To the Surveyor General of this State, the Balance of such Account as he shall exhibit, audited by the Auditor of this State, for his Expenditures in surveying the Lands purchased of the Oneida and Tuscarora Indians.

To the Surveyor
General.

To Jonathan Landon, Esquire, the Sum of One Hundred and Fifty-four Pounds Eleven Shillings and Ten-Pence, being the Balance due to him on his Cash Account, as the same is audited by the Auditor of this State.

To Jonathan Landon

XIX. And be it further enacted by the Authority aforesaid, That the Treasurer of this State shall pay unto the Commissioners of Forfeitures for the western District, out of any Monies unappropriated in the Treasury, the Sum of Two Hundred and Fifty Pounds, on Account.

To the Commis-
sioners of Forfeitures.

To Samuel Loudon, the Sum of Three Hundred Pounds, on Account, as Printer to the State.

To Samuel Loudon.

To Anthony Post, for Repairs to the Exchange, the Sum of Eight Pounds Five Shillings and Two-Pence.

To Anthony Post.

To Elizabeth Holt, the Sum of Two Hundred Pounds, for One Year's Salary of her late Husband, John Holt, as a Printer employed by the late Convention of this State.

To Elizabeth Holt.

To Abraham B. Bancker, Seventy-five Pounds, in Full, for his Services during the late War, as Deputy Secretary of the State, for which he has received no Compensation.

To Abraham B.
Bancker.

To John M'Kesson, Esquire, Clerk of the Assembly, for his Services in that Station, and for sundry Disbursements for the Assembly, in September and October, 1780, and at the Two First Meetings of the Legislature, in the Year 1781, the Sum of Two Hundred and Two Pounds Five Shillings and Ten-Pence.

To John M'Kesson.

To Samuel Francis, in Compensation for sundry Disbursements, by him made, to support Prisoners belonging to this State, during the late War, and for sundry Services by him performed during the same War, the Sum of Two Hundred Pounds.

To Samuel Francis.

XX. And be it further enacted by the Authority aforesaid, That the Honorable Robert Yates, Esquire, Philip Schuyler and Gerard Bancker, Esquires, Commissioners appointed to assist in ascertaining in running a Line of Jurisdiction between this State and the Commonwealth of Massachusetts, or any Two of them be, and they are hereby authorized from Time to Time, to draw upon the Treasurer of this State for such Sums of Money as they shall judge necessary for defraying the Expences attendant on the Business committed to them, not exceeding in the Whole the Sum of Six Hundred Pounds, for which they shall be accountable, and the said Commissioners, and the Commissioners appointed to complete the running of a Jurisdiction Line between this State and the Commonwealth of Massachusetts, by Virtue of a Law of this State, passed the 11th Day of November, 1784, and a Law passed this present Session, be, and they are hereby allowed Forty Shillings per Day, over and above their Expences of Provisions and Necessaries; the Accounts, as well of the Expenditures as of the Time of Service, to be ascertained and certified to the Treasurer, by the Auditor of this State, and on such Account rendered, to be paid by the Treasurer of this State.

To the Commis-
sioners for settling the
line between this
State and Massa-
chusetts.

XXI. And be it further enacted by the Authority aforesaid, That the Treasurer of this State is hereby authorized and required to pay to the Collector of the Port of New-York, in Quarterly Payments, at and after the Rate of Fifteen Hundred Pounds per Annum.

To the Collector
of New-York,

To the Collector of the Port of Sagg Harbour, at and after the Rate of Seventy-five Pounds per Annum.

of Sagg-Harbour.

To the Surveyor and Searcher, at and after the Rate of Two Hundred and Fifty Pounds per Annum. And

Surveyor & Searcher

To each of the Land and Tide Waiters, the Sum of Ten Shillings per Day.

Tide-Waiters.

AND WHEREAS John Gelston and Francis Post, respectively were indebted to the Loan Office of the late Colony, now State of New-York, and have by their several Petitions shewn that they were unavoidably prevented from making Payment of their said

Recital.

faid respective Debts, within the Time limited in the Act, entitled, "An Act to enable Persons to discharge Debts due to this State for Monies loaned while this State was a Colony," passed the 7th of April, 1785.

Further recital.

AND WHEREAS, the real Estates of the said Debtors, mortgaged for their respective Debts in the said Loan-Office, have in Pursuance of the said Act, been sold by the Loan-Officer of the City and County of New-York, for Specie, and were purchased by the said Debtors, who are now indebted for the same; and the said Debtors having prayed that they may be permitted to discharge their said Debts in such Certificates as are mentioned in the said Act: Therefore,

John Gelston and Francis Post relieved.

XXII. *Be it enacted by the Authority aforesaid,* That it shall and may be lawful for the said Loan-Officer to receive of the said John Gelston and Francis Post, in Discharge of their respective Mortgages, such Certificates as are made receivable in Discharge of Estates mortgaged in the said Loan-Office, by the said Act, to the amount of the Principal and Interest due on their respective Mortgages, as if no such Sale had been made, provided such Certificates be paid to the said Loan-Officer by them respectively, within Thirty Days after the passing of this Act, and the Expences accrued in selling the same be paid in Specie.

AND WHEREAS, William Barber, Esquire, Continental Commissioner for liquidating and adjusting Accounts within this State, has given Certificates to the Treasurer of this State for sundry Articles of Property taken from the Inhabitants of this State.

AND WHEREAS a considerable Part of such Property as aforesaid, was taken from Persons whose Estates were not sequestered: Therefore,

Stephen Ward & Samuel Drake empowered to certify regarding compensation, &c.

XXIII. *Be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for Stephen Ward and Samuel Drake, Esquires, to certify unto the Treasurer of the State, which of the Persons, or their legal Representatives, for which he has received such Certificates as aforesaid, appear to them entitled to Compensation; and the Treasurer is hereby required to give unto each Person, so to be certified as entitled to Compensation, his or her legal Representative, a Certificate of equal Amount to the Sum allowed by the said William Barber, and bearing like Interest from the Day of the Date of the Certificate granted by the said William Barber.

Surveyor General to draw on the Treasurer.

XXIV. *And be it further enacted by the Authority aforesaid,* That the Surveyor General of this State be, and he is hereby authorized from Time to Time, to draw on the Treasurer of this State for a Sum not exceeding Five Hundred Pounds, to enable him to carry into Effect such Duties as may be enjoined him by the Commissioners appointed by the Act, entitled, "An Act for the speedy Sale of the unappropriated Lands within this State, and for other Purposes therein mentioned."

State certificates to be endorsed, &c.

XXV. *And be it further enacted by the Authority aforesaid,* That every Person or Persons holding or possessing Certificates issued by Udny Hay, Esquire, late Agent of this State, or any of his Assistant Agents, or by Jacob Cuyler, Morgan Lewis or Andrew Bostwick, Esquires, in Pursuance of former Laws of this State, shall, after such Person or Persons shall have endorsed his, her or their Name or Names on such Certificates in his, her or their own proper Hand Writing, deliver the same to the Treasurer of this State, on or before the First Day of September next; and every such Person or Persons, holding or possessing such Certificates, and who shall not endorse and deliver the same to the Treasurer, on or before the Day last aforesaid, shall be from thenceforth barred and precluded from any Compensation or Payment for such Certificates; and the Treasurer of this State is hereby authorized to issue Certificates to such Person or Persons, for the Amount of the Sums mentioned in the Certificates delivered to the said Treasurer in the Manner directed in and by the Act, entitled, "An Act for emitting the Sum of Two Hundred Thousand Pounds in Bills of Credit, for the Purposes therein mentioned." And the Treasurer is hereby required to publish this Clause, so far as the same respects the said Certificates, in one or more of the public News-Papers printed in the Cities of New-York and Albany, for the Term of Six Weeks.

Treasurer directed.

Udny Hay's accounts to be audited

XXVI. *And be it further enacted by the Authority aforesaid,* That the Auditor of this State be, and he is hereby required to settle and audit all the Accounts of the said Udny Hay, together with such other Accounts of the said Udny Hay, for Services which he was authorized to perform by Laws or concurrent Resolutions of the Legislature, as soon after the said First Day of September next as conveniently may be, and to settle and adjust the same upon Principles of Equity and good Conscience, when it shall appear

appear that the proper Vouchers were lost, by the Fire which consumed the said Udny Hay's House, and also agreeable to the Directions contained in a Law of this State, passed the 22d of April, 1785, the Non-settlement of his Accounts by his Assistants notwithstanding. That the Treasurer of this State be, and he is hereby authorized and required to pay unto the said Udny Hay, the Balance of the Sum of One Thousand Pounds, for so much due from the said Udny Hay, as late State Agent, unto Daniel Parker, Esquire, and which the said Udny Hay was by Law directed to pay, and to charge the same in Account with this State.

Treasurer to pay
1000l. to Udny
Hay.

XXVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any public Officer, who was employed during the late War under the Authority of the United States, or this State, and who now is or hereafter shall be prosecuted for Services performed at his Request, or Articles by him purchased or taken for the Use of the United States or this State, to tender in Court any of the public Securities enumerated in the Fifth Section of the Act, entitled, "An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned, passed the 12th Day of May, 1784, at the Rates at which such Certificates are respectively receivable for forfeited Estates, in full Discharge of such Demand.

Public Officers
relieved in certain
cases.

PROVIDED it shall appear to the Court that the Services done, or Articles furnished, were done for or applied to the Use of the United States or of this State.

Proviso.

AND WHEREAS the Corporation of the Marine Society of the City of New-York, in the Province of New-York, in America, have, by their Petition to the Legislature, setting forth, that in Consequence of the late happy Revolution, several Terms in the Stile and Name of the Corporation, are become improper, humbly praying, that the Stile and Name of the said Corporation may be altered: Therefore,

Recital.

XXIX. Be it enacted by the Authority aforesaid, That the Stile and Name of the said Corporation, shall be altered from the present Stile and Name, to the Stile and Name of the Marine Society of the City of New-York, in the State of New-York; and that the said Society shall, from and after the passing of this Act, be known by such Stile and Name as last mentioned, and not by the Stile or Name expressed in their Charter Incorporation.

Stile and name of
the Marine Society
altered.

C H A P. LXVII.

A N A C T for the speedy Sale of the unappropriated Lands within this State, and for other Purposes therein mentioned. Passed the 5th May, 1786.

WHEREAS Experiment has evinced, that the Settlement of the unappropriated Lands in this State, in the Manner directed by former Acts, is subject to great Embarrassment and Inconvenience, and productive of Controversy; for Prevention whereof:

Preamble.

I. Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the Authority of the same, That his Excellency the Governor, or Person administering the Government of this State for the Time being, the Lieutenant Governor, the Speaker of the Assembly, the Secretary of the State, the Attorney General, the Treasurer and the Auditor of this State, respectively, for the Time being, shall be, and they hereby are appointed Commissioners of the Land-Office, to direct the disposing and granting of the unappropriated Lands within this State, according to such Powers and Directions as shall from Time to Time be prescribed by the Legislature, and all and every of the Powers and Trusts to be vested in them by this or any future Act, shall and may be lawfully executed by any Three of them, the Governor, or Person administering the Government of this State for the Time being, to be always One, and that the Secretary of this State shall, ex officio, always be the Secretary of the said Commissioners.

Seven Commis-
sioners of the Land
Office.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized from Time to Time, to direct and require the Surveyor General of this State, for the Time

Outlines to be
run, previous to the
sale.

being, to cause actual Survey of the Outlines of all such of the waste and unappropriated Lands of this State, as they shall deem proper for Sale, and most promotive of the Interest of this State to be made.

Proviso.

PROVIDED ALWAYS, that the said Commissioners, whenever they shall think proper, may direct the Surveyor General to lay down on a Map, any Tract of Land for Sale, without proceeding to the Survey of the Outlines thereof.

Commissioners directed.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and they are hereby required from Time to Time, to direct the Surveyor General to lay each and every of the Tracts directed to be laid out by the said Commissioners, into Townships, on a Map to be by him made, each Township to contain as nearly as may be, Sixty-four Thousand Acres of Land, and as nearly in Squares as local Circumstances will permit.

Surveyor General to distinguish appropriated from unappropriated lands.

IV. And be it further enacted by the Authority aforesaid, That the said Surveyor General, where any Township shall include Lands heretofore granted under the Great Seal of the late Colony of New-York, or under the Great Seal of this State, or which may have been located as Bounty Lands, by Virtue of any Law of this State, or shall have been granted or determined to be granted by the said Commissioners on equitable Claims, shall lay down the same on the Map thereof, and the unappropriated Lands in such Township or Townships only shall be sold in Manner herein after directed.

To map the lands for sale, number the townships, & divide them into lots.

V. And be it further enacted by the Authority aforesaid, That the said Surveyor General as soon as may be, shall make a Map of such Tracts so intended for Sale, on which shall be laid out the Townships contained therein, which Townships shall be numbered, from Number One progressively to the last inclusive, and each Township shall, on such Map, be subdivided into Lots, as nearly Square as may be, and each Lot to contain Six Hundred and Forty Acres, or as nearly so as may be, and the Lots in each Township shall be numbered, from Number One to the last inclusive, in Arithmetic Progression, and on every Fourth Township in such Map, shall be written, "To be sold by single Lots," and One Copy of such Map shall be filed in the Office of the Secretary of this State, and the original thereof in the said Surveyor General's Office; and the said Secretary and Surveyor General respectively, shall cause the Maps so to be filed, to be put up in some conspicuous Part of their respective Offices, and shall permit any Person whatever freely to inspect such Maps, between the Hours of Nine and Twelve in the Morning and Three and Six in the Afternoon of every Day, Sundays only excepted, on paying for Inspection in Morning Six-pence, and the Like in the Afternoon.

Every 4th township to be sold in single lots.

Maps to be filed, &c.

Surveyor General to notify the sale of lands,

VI. And be it further enacted by the Authority aforesaid, That the said Surveyor General shall, immediately after having filed such Map as aforesaid in the Secretary's Office, give Notice thereof by public Advertisement to be published in at least Three of the News-papers printed in this State, and shall, in the said Advertisement, mention and appoint a Day certain, not more than Forty, nor less than Thirty Days from the Day on which such Advertisement shall be first published, on which Day he will commence the Sale of the said Lands at public Vendue, to the highest Bidder, and shall also mention in such Advertisement the Place where such Vendue will be held.

Mode of sales.

VII. And be it further enacted by the Authority aforesaid, That at every such Sale, the said Surveyor General shall put up to Sale, as nearly as may be, One Quarter Part of the unappropriated and unreserved Lands in every Township, in Lots contiguous to each other, and shall strike off the same to the highest Bidder, with a Reservation of Five Acres of every Hundred Acres so sold, for Highways, and shall continue to sell in such Quarter Parts, until the Whole of such Townships are sold.

Proviso.

PROVIDED, That none of the Lands so laid out, shall be sold at a less Price than One Shilling per Acre. AND PROVIDED ALSO, That the first Fourth Township, and every other Fourth Township in the said Tracts, shall be sold by single Lots only, and not otherwise.

Conditions of purchase.

VIII. And be it further enacted by the Authority aforesaid, That every Purchaser shall, immediately after having made his Purchase, pay unto the said Surveyor General One Fourth Part of the Purchase Money; and having paid the same, the Surveyor General shall give unto such Purchaser a Certificate containing such a Description of the

the Bounds of the Land purchased, as that the same may be inserted in the Letters Patent to be granted therefore, and shall endorse on such Certificate the Sum by him received, and also the Sum still due on such Purchase. And if the Purchaser shall not, within Sixty Days next after the Date of such Certificate, pay the Sum so still due to the Treasurer of this State, the Purchase made by every such delinquent Purchaser shall be, and hereby is declared null and void, and the Money so paid shall be forfeited to the Use of the People of this State; but if the Sum so remaining due shall be paid to the said Treasurer within the Time herein limited, he shall endorse a Receipt therefore on the said Certificate.

PROVIDED ALWAYS, That none of the Interest arising on any public Securities with which such Sum so unpaid shall be discharged, and which shall have accrued subsequent to the Date of such Certificate, shall be allowed by the said Treasurer. AND PROVIDED ALSO, That if any Purchaser shall not, immediately after such Purchase, pay the said One Fourth Part, the said Surveyor General shall, at the same Vendue, again expose the Lands so purchased to Sale; and every Purchaser who shall refuse or neglect for the Space of Twenty-four Hours next after such Purchase, to pay the said One Fourth Part, shall forfeit to the People of this State the Sum of Twenty Pounds, to be sued for and recovered by the said Surveyor General, in his own Name, in any Court of Record within this State; and such Purchase shall be, and hereby is declared to be null and void.

Proviso.

IX. And be it further enacted by the Authority aforesaid, That if any Purchaser, by himself or herself, or his or her legal Representative shall produce such Certificate with such Receipt as aforesaid, endorsed thereon, to the said Commissioners, it shall and may be lawful to and for the said Commissioners to direct Letters Patent to be prepared and issued for granting the Lands described in such Certificate, to the Purchaser thereof, or to the Purchaser and such other Person or Persons, as he shall under his Hand and Seal signify to be concerned in the Purchase so by him made in the Manner herein before mentioned.

When letters patent to be issued to purchasers, &c.

AND WHEREAS a Tract of Land, commonly called Jessup's Purchase, was heretofore laid out into Townships, of Six Miles Square, and into Tracts of less Dimensions, a great Part whereof remains unpatented.

Preamble.

X. Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners to direct the Surveyor General to sell all or any of the said Townships and smaller Tracts remaining unpatented, in such Parts and Parcels as they shall direct, and the said Surveyor General shall advertise, sell and certify the same, in Manner herein before directed, and the Treasurer shall endorse on every such Certificate on Payment of the purchase Money and Letters Patent, shall pass for the same as herein before directed.

Surveyor General to sell unpatented lands in Jessup's purchase.

XI. And be it further enacted by the Authority aforesaid, That in every Township so laid out, or to be laid out as aforesaid, the Surveyor General shall mark One Lot on the Map "Gospel and Schools," and One other Lot for promoting Literature, which Lots shall be as nearly central in every Township as may be, and the Lots so marked, shall not be sold, but the Lot marked "Gospel and Schools" shall be reserved for and applied to promoting the Gospel and a public School or Schools in such Township, and the Lot marked, for promoting Literature, shall be reserved to the People of this State, to be hereafter applied by the Legislature for promoting Literature in this State.

Two lots in each township reserved for certain purposes.

XII. And be it further enacted by the Authority aforesaid, That the said Surveyor General shall, within Thirty Days next after the Sale of any of the Lands herein before directed to be sold by Virtue of this Act, make return of every such Sale to the Treasurer of this State, and if the Purchasers, or some other Persons on their behalf respectively, do not pay the purchase Money due on the Sale, within the Time or Times herein before limited, the said Treasurer shall transmit to the said Surveyor General the Name of every delinquent Purchaser, and the Surveyor General shall thereupon advertise all the Lands so sold and not paid for, to be again sold at a Time and Place in such Advertisement to be mentioned, and in Manner aforesaid.

Surveyor General to make returns to the Treasurer.

Commissioners to
name the townships.

XIII. *And be it further enacted by the Authority aforesaid,* That the said Commissioners shall designate every Township to be laid out by Virtue of this Act, or which is already laid out by such Name as they shall deem proper, and such Name shall respectively be mentioned in the Letters Patent for granting a Township or Part of a Township.

Lands vacated, &c.
to be re-granted.

XIV. *And be it further enacted by the Authority aforesaid,* That all Lands for which Letters Patent have at any Time heretofore been granted, and which have since been vacated by Laws of the late Colony of New-York, all Lands having been so granted and which have been resigned to the Crown of Great-Britain, whilst this State was a Colony, and not regranted, are hereby declared Lands on which Locations might have been and may hereafter be legally made.

Preamble respect-
ing certain former
locations, &c.

AND WHEREAS by Virtue of Acts heretofore passed for granting Bounty Lands, sundry Locations have been made on Lands belonging to the Onondaga, Cayuga and Seneca Nations of Indians, and whereas an Attempt to settle such Lands, by the Persons entitled to Letters Patent therefor, by Virtue of the said Acts, may involve this State in a disagreeable Controversy with the said Indians: Therefore,

Permission grant-
ed to certain loca-
tors to locate else-
where.

XV. *Be it enacted by the Authority aforesaid,* That it shall and may be lawful to and for any Person having made such Location as aforesaid, to withdraw such Location, and each and every of them are hereby authorized to locate on any of the Lands to be sold by Virtue of this Act, excepting only the Lands purchased from the Oneida Indians as aforesaid; and to receive from the said Surveyor General a Certificate of such Location, directed to the said Commissioners, who shall thereupon direct Letters Patent to be prepared, and having approved the same, the Governor or Person administering the Government of this State for the Time being, shall Cause the great Seal of this State to be affixed thereto; PROVIDED that Locations to be made for any Bounty Lands, in Pursuance of any Law of this State, shall not be made on any Lands directed to be laid out for Sale by the said Commissioners, after such Lands shall have been directed by the said Commissioners to be set apart for Sale, unless such Locations shall be made for any whole Lots, or Number of whole Lots into which any Township shall be subdivided.

Proviso.

Further proviso.

AND PROVIDED ALSO, that no such Locations, or Grants in Consequence of such Locations, shall be made for any Lands included in the Purchase made of the Indians by the People of this State, on the Twenty-eighth Day of June, in the Year of our Lord One Thousand Seven Hundred and Eighty-five.

Exception in lo-
cations.

XVI. *And be it further enacted by the Authority aforesaid,* That none of the vacant and unappropriated Lands within this State, and which lay in the southern District thereof, shall be located or granted by Virtue of this Act or any Clause thereof.

Regulating loca-
tion of, bounty
lands.

XVII. *And be it further enacted by the Authority aforesaid,* That it shall be lawful for any Person (who shall heretofore have made any Location for Bounty Lands, or who shall hereafter make a Location for such Lands, and whose Locations have not been, or hereafter shall not be allowed of by the said Commissioners, or the Surveyor General) to locate on any of the vacant and unappropriated Lands, subject to Location for Bounty Lands, in and by this Act.

Lands under na-
vigable rivers.

XVIII. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the said Commissioners to grant such and so much of the Lands under the Water of navigable Rivers as they shall deem necessary to promote the Commerce of this State.

Proviso.

PROVIDED ALWAYS, that no such Grant shall be made in Pursuance of this Act to any Person whatever, other than the Proprietor or Proprietors of the adjacent Lands.

Further proviso.

AND PROVIDED ALSO, that every Applicant for such Grant shall, previous to his or her Application, give Notice thereof, by Advertisement, to be published in One of the News-Papers printed in this State, for Six Weeks successively, and shall cause a Copy of such Advertisement to be put up at the Court-House of the County in which the Lands lay, so intended to be applied for, and if there be no Court-House in the County, then at such place as the said Commissioners shall direct.

XIX. And be it further enacted by the Authority aforesaid, That where any Person is now in the actual Possession of any of the said unappropriated Lands, and hath been so possessed, prior to the Twenty-fifth Day of July, One Thousand Seven Hundred and Eighty-two, and hath made Improvements thereon, it shall and may be lawful for the Commissioners aforesaid, to grant to every such Person in Fee Simple, a Farm not exceeding Two Hundred Acres, including such Improvements, upon such Persons paying as aforesaid One Shilling an Acre for the same.

Privileges to improvers of unappropriated lands.

PROVIDED ALWAYS, that the Person so in Possession is the original Settler, or the Heir or legal Representative of such original Settler, or shall have purchased such Improvements from the original Settler, or from his legal Representatives, and that such original Settler did not go off, or join the then Enemies of this State during the late War.

Proviso.

AND PROVIDED ALSO, that such Person shall make Application to the said Commissioners for such Grant within Six Months after the passing of this Act.

Time of application

XX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners to appropriate a Tract of Land equal to Eight Miles Square, in any of the Townships to be laid out in Pursuance of this Act, for the Use of Colonel Timothy Church, Major William Shattuck and Major Henry Evans, and such other Persons of the Counties of Cumberland and Gloucester as shall be deemed by the said Commissioners to be Sufferers in opposing the Government of the pretended State of Vermont, and to grant the Land in such Township, in such Proportion to each of such Sufferers, as to the said Commissioners shall seem meet and proper, and to direct Letters Patent to be prepared accordingly, and having approved of the same, the Governor, or Person administering the Government of this State for the Time being, shall cause the Great Seal of this State to be affixed thereto.

Land granted for compensation to certain persons.

AND WHEREAS by the Act, entitled, "An Act to prevent Grants or Locations of the Lands therein mentioned," passed the 25th of July, 1782, a certain Tract of Land was set apart for the Use of such of the Inhabitants of this State as had served in the Armies of the United States.

Preamble relative to soldiers lands.

AND WHEREAS from sundry Circumstances which have intervened since the passing of the said Act, the Lands so intended to be granted would be of little Use to the said Inhabitant having so served: Therefore,

Further preamble.

XXI. Be it enacted by the Authority aforesaid, That the said Commissioners shall be, and they are hereby authorized to direct the Surveyor General to lay out the following Tract of Land, TO WIT:

Other lands given to the soldiers.

BEGINNING at a certain Point in the North Bounds of Jessup's Purchase, Thirty Miles distant from the North-east Corner of Two certain Tracts of Land granted to Philip Skeene, by Letters Patent, bearing Date the Sixth Day of July, One Thousand Seven Hundred and Seventy-one, and running thence North to the North Bounds of the State, thence easterly along the same Twenty Miles, thence South to the North Bounds of Jessup's Purchase aforesaid, continued easterly thence to the Place of Beginning, all which Tract of Land shall, on a Map thereof, to be made by the Surveyor General, be laid out into Townships of Ten Miles Square, and each Township shall on the said Map be numbered, and the Commissioners shall thereupon, from Time to Time, devise such Regulations for laying out Lots of such Dimensions as they shall think proper, for satisfying out of the said Tract of Land such Claims of all such Persons, who are or shall be entitled to Grants of Lands by Virtue of the Tenth, Eleventh and Fourteenth Clauses of the Act, entitled, "An Act for granting certain Lands, promised to be given as Bounty Lands by Laws of this State, and for other Purposes therein mentioned," or such of them as are still unsatisfied, as to the said Commissioners shall appear best calculated to enable the Persons holding such Rights to participate as equally as may be in the Advantages derived from locating the said Lands to which they shall be respectively entitled.

To be laid out into townships.

Claims when to
be exhibited.

PROVIDED, that all Persons claiming such Rights, and who have not already exhibited their Claims, shall exhibit their respective Claims to the said Commissioners, on or before the First Day of January next, or shall be precluded from the same.

Canadian refugees
relieved.

XXII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, to appropriate a Tract of Land in or adjoining to the Land set apart in and by this Act, for the Use of Persons entitled to Grants for military Services, not exceeding in Quantity Six Thousand Acres, to be divided between such Refugees, who during the late War, or since, have come from Canada, and who, in the Opinion of the said Commissioners, may be entitled to the Bounty of this State, or of the United States, and who are not provided for by any Law of this State.

Actual settlement
when to be made.

XXIII. And be it further enacted by the Authority aforesaid, That on the Lands to be granted by this Act or any former Act, there shall be an actual Settlement made for every Six Hundred and Forty Acres which may be granted to any Person or Persons within Seven Years from the First Day of January next after the Date of the Patent, by which such Lands shall be granted, and on Failure of such Settlement, the unsettled Lands shall revert to the People of this State, any Thing in this Act to the Contrary notwithstanding.

Claims to be void
on non-compliance
with the conditions.

XXIV. And be it further enacted by the Authority aforesaid, That where equitable Claims have heretofore been allowed of by the Commissioners appointed by former Acts, and the Claimant or Claimants have not sued out Letters Patent, the Claim or Claims of such Claimant or Claimants shall be null and void, unless he, she or they shall, within Sixty Days next after the passing of this Act, or if such Claim shall hereafter be allowed in Pursuance of any Law of this State, within Sixty Days after the Allowance thereof, pay the purchase Money, at the Rate of One Shilling per Acre, into the Treasury of this State, and shall, within Forty Days next, after the Expiration of the said Sixty Days, sue out Letters Patent therefore, and pay all the Charges accrued on such Claim or Claims.

Certain lands to
be granted to James
Deane.

XXV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners to direct Letters Patent to be prepared and granted in Manner aforesaid, to grant to James Deane, his Heirs and Assigns, in Fee Simple, the following Tract of Land, TO WIT:

To Abraham
Wemple.

To Samuel Kirk-
land.

BEGINNING at a certain Place where the West Line of the Patent of Coxborough crosses the Stream or Brook, formed by the Junction of the Streams or Brooks called Kanaghtarageara and Kanyoniskotta, it being One of the Branches of the Oriskany Creek or River, running thence North Twenty-four Degrees and Thirty Minutes West, Forty Chains, thence South Sixty-five Degrees and Thirty Minutes West, One Hundred and Sixty Chains, thence South Twenty-four Degrees and Thirty Minutes East, One Hundred and Sixty Chains, thence North Sixty-five Degrees and Thirty Minutes East, One Hundred and Sixty Chains, thence on a direct Line to the Place of Beginning: And to Abraham Wemple, his Heirs and Assigns, in Fee Simple, Six Hundred and Forty Acres, in a Square, next adjoining to, and on the South Side of the Tract to be granted to James Deane aforesaid: To Samuel Kirkland, the Quantity of Six Hundred and Forty Acres, in a Square, to be bounded on the Tract to be granted to the said James Deane, and on the Tract to be granted to the said Abraham Wemple: One Moiety whereof, in Fee Simple, to the said Samuel Kirkland, and the other Moiety to the said Samuel Kirkland, in Trust for any Minister of the Gospel, who may hereafter for the Time then being, be employed by the Oneida Indians, to Preach the Gospel among them.

Fees.

To the Governor.

XXVI. And be it further enacted by the Authority aforesaid, That the Commissioners and the Secretary shall respectively be entitled to the following Fees, for the Services performed or to be performed by them respectively, by Virtue of the Acts, or any of them herein after in Part repealed, or to be performed by Virtue of this Act, and to be paid by the Person or Persons in whose Favor any Letters Patent shall issue, that is to say: To the Governor for his Attendance on signing and affixing the Great Seal to Letters Patent, the Sum of Three Pounds Four Shillings for a whole Town-ship;

ship ; the Sum of Two Pounds Eight Shillings for Three Quarters of a Township ; the Sum of One Pound Twelve Shillings for Half or One Quarter of a Township ; and the Sum of Sixteen Shillings for any less Quantity. And the others of the said Commissioners jointly, exclusive of the Secretary, shall be entitled to take and receive a Sum equal to One Half of the Fees allowed to be taken by the Governor by Virtue of this Act, on the issuing of each Patent, to be divided between them, in such Proportion as to a Majority of them shall seem proper. To the Secretary for preparing the Letters Patent, recording and keeping the Minutes of the said Commissioners, the like Fees as allowed to the Governor by Virtue of this Act.

To the Commissioners.

To the Secretary.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful, to and for the said Surveyor General to receive and take the Fees herein after mentioned, for all Services performed in the Office of Surveyor General, previous to the First Day of May, One Thousand Seven Hundred and Eighty-five, for the Benefit of the said Surveyor General and his Predecessor in Office, TO WIT : For filing every Certificate, Transfer, Endorsement or Location, at and after the Rate of One Shilling for each and every of them so filed ; for his Warrant of Survey, for entering a Copy thereof, for entering the Return of Survey, for his Certificate to the said Commissioners, for Copy of any Certificate, Transfer, Endorsement or Location, for Copy of any Caveat and for every other Writing which may be required of him, at and after the Rate of Two Shillings for every One Hundred and Twenty-eight Words.

To the Surveyor General for former services.

AND WHEREAS it is deemed expedient that the said Surveyor General should have a fixed Salary in lieu of all other Fees which may arise in his Office, for Services performed subsequent to the said First of May, 1785, or hereafter to be performed : Therefore,

Preamble.

XXVIII. Be it enacted by the Authority aforesaid, That the Salary of the Surveyor General for the Time being, shall be at and after the Rate of Four Hundred Pounds per Annum, to commence from the First Day of May, One Thousand Seven Hundred and Eighty-five, for and during the Term of Three Years, and that the said Surveyor General shall receive the like Fees as mentioned in the next preceding Clause of this Act, for all and every Paper by him to be filed, or Copies to be given out of his Office, and shall account for the Monies arising from the Fees directed to be by him received in Pursuance of this Act, or which he may have heretofore received or may hereafter receive for Services by him performed after the First Day of May last aforesaid, once in every Year, to the Auditor of this State, and shall pay the same to the Treasurer of this State.

Surveyor General's salary,

and to account for fees to the State.

XXIX. And be it further enacted by the Authority aforesaid, That all Letters Patent hereafter to be granted, shall be in such Words and Forms as the said Commissioners shall direct, and shall contain an Exception and Reservation to the People of this State of all Gold and Silver Mines, and shall vest the Lands in Fee Simple.

Forms of letters patent.

XXX. And be it further enacted by the Authority aforesaid, That the following Allowances shall by the Surveyor General be made to Persons employed by him, to carry into Effect the Duties enjoined him by this Act, TO WIT :

Allowances by the Surveyor Gen,

For a Deputy Surveyor a Sum not exceeding Twenty Shillings per Day, and Two Shillings for a Horse to carry the Baggage of himself and the Persons employed with him.

To a Deputy, &c.

That each Deputy so employed shall be allowed Two Chain Bearers, Two Markers, One Flag Carrier, and a Man to attend the Baggage Horse ; to each of which there shall be allowed a Sum not exceeding Six Shillings per Day ; and that the said Deputies, Chain Bearers, Flag Carrier, Markers and Attendant shall furnish themselves with Provisions and the necessary Implements, at their own Expence.

To his attendants,

XXXI. And be it further enacted by the Authority aforesaid, That Gold and Silver and every Species of Bills of Credit or public Securities now receivable, or which shall hereafter be made receivable in Payment for forfeited Estates, shall and may be received in all Payments to be made in Pursuance of this Act, at the Rates they are respectively receivable for forfeited Estates.

Species of monies payable for Lands,

XXXII.

George Klock, &c.
permitted to locate
40,000 acres.

XXXII. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful to and for George Klock, Jacob G. Klock, now or late of the County of Montgomery, Hendrick Remsen, now or late of the City of New York, and John Van Sice, now or late of the County of Albany, or their respective legal Representatives, jointly, to locate the Quantity of Forty-eight Thousand Acres of Land, out of any of the ungranted, unappropriated or unlocated Lands in the County of Montgomery, Part and Parcel of the Lands alledged to have been conveyed unto them by a certain Deed, bearing Date the Twenty-eighth Day of May, One Thousand Seven Hundred and Sixty-six, and now remaining of Record in the Office of the Secretary of this State.

Proviso.

PROVIDED ALWAYS, that such Location shall be in One entire Piece or Parcel, if so much can be so located, and if not, then to locate the greatest possible Quantity of such Land in one Piece, and the Residue in one or more Pieces, each to contain not less than Eight Thousand Acres.

Further proviso.

AND PROVIDED ALSO, that such Location or Locations be made within Sixty Days next after the Day of passing of this Act, and that the said George Klock, Jacob G. Klock, Hendrick Remsen and John Van Sice, or their legal Representatives, shall cause the Lands so by them to be located, to be surveyed in Manner directed by this Act, and being so surveyed, shall produce the Surveyor General's Certificate, to be granted in Manner herein before directed, with a Receipt endorsed thereon by the Treasurer of this State, specifying, that the Sum of One Shilling per Acre for every Acre mentioned in such Certificate has been paid, then the said Commissioners shall cause Letters Patent to be prepared for granting the said Lands, and having approved thereof, the Governor shall affix the Great Seal of this State thereto.

Preamble.

AND WHEREAS Baron Frederick William Steuben, late a Major General in the Army of the United States, has rendered very essential Service to this State, as one of the United States, by introducing a regular Discipline in the Army, and a Spirit of Oeconomy in the interior Administration of the Regiments, and this Legislature being willing to afford a public Testimony of the just Sense they entertain of his Services: Therefore,

Letters patent to
issue to the Hon.
Maj. Gen. Steuben.

XXXIII. *Be it enacted by the Authority aforesaid,* That the said Commissioners shall, and they are hereby authorized to direct Letters Patent to be prepared for, and granted to the said Baron Frederick William Steuben, in Fee Simple, One Quarter of a Township, equal to Sixteen Thousand Acres of Land, Part of any Township which he may chuse, out of the Townships to be laid out in any of the Tracts of Land directed to be laid out in Pursuance of this Act, except in the Bounds of the said Lands purchased of the Oneida Indians, without Fee or Reward, or paying any Consideration for the Lands so to be granted to him, and having approved of such Letters Patent, his Excellency the Governor shall affix the Great Seal of this State thereto.

Preamble respect-
ing Canadian and
Nova Scotia refu-
gees.

AND WHEREAS by the Sixteenth Section of the Act, entitled, "An Act for granting certain Lands promised to be given as Bounty Lands by Laws of this State, and for other Purposes therein mentioned," the Surveyor General was directed to make a Subdivision of the Lands set apart for the Canadian and Nova Scotia Refugees, into Lots of Two Hundred and Fifty Acres each.

AND WHEREAS the laying out of such Lots to the Canadian and Nova Scotia Refugees as aforesaid, may not in all Cases tend to promote a speedy Settlement of the said Lands, for Remedy whereof,

Commissioners di-
rected in their duty.

XXXIV. *Be it further enacted by the Authority aforesaid,* That whenever it shall appear to the Commissioners of the Land-Office that a Deviation therefrom will be beneficial to this State, by promoting a more speedy and effectual Settlement of the said Lands, it shall and may be lawful for the said Commissioners to direct a Subdivision of such Lots, in Manner and Form as to them shall seem proper, at the Expence of those interested in such Subdivisions.

Proviso.

PROVIDED ALWAYS, that nothing in this Act contained shall be construed to affect, or in any Wise annul the Proceedings heretofore had by the Commissioners in favor of the Canadian or Nova Scotia Refugees, so far as respects the Quantity of Lands already set apart for them.

XXXV. And be it further enacted by the Authority aforesaid, That all Lands that have been granted by Letters Patent, under the Great Seal of this State, or that shall be so granted by Virtue of this Act, shall be, and hereby are exempted, until the Expiration of Seven Years from the issuing of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

Certain lands exempted from taxation for 7 years.

XXXVI. And be it further enacted by the Authority aforesaid, That the First, Second and Third Clauses, and the Proviso annexed to the said Third Clause, in the Act, entitled, "An Act to prevent Grants or Locations of the Lands therein mentioned," passed the 25th of July, 1782; and the Eighth, Ninth and Twelfth Clauses of the Act, entitled, "An Act for granting certain Lands, promised to be given as Bounty Lands by Laws of this State, and for other Purposes therein mentioned," passed the 11th of May, 1784; the Act, entitled, "An Act to encourage the Settlement of the waste and unappropriated Lands in this State," passed the 10th of May, 1784, and the Act, entitled, "An Act to facilitate the Settlement of waste and unappropriated Lands within this State, and for repealing the Act therein mentioned," passed the 11th Day of April, 1785, shall be, and hereby are repealed.

Repealing several acts, &c.

END OF THE NINTH SESSION.

XXV. And be it further enacted by the Governor, that all Lands that have been granted by Letters Patent under the Great Seal of this State, or that shall be so granted by Virtue of this Act, shall be, and hereby are assigned, until the expiration of Seven Years from the date of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

XXVI. And be it further enacted by the Governor, that the First, Second and Third Classes, and lastly, the Fourth Class, of the Lands mentioned in the Act, entitled "An Act to regulate the Lands of the State," passed the 1st of July, 1785, shall be, and hereby are assigned, until the expiration of Seven Years from the date of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

XXVII. And be it further enacted by the Governor, that the Lands mentioned in the Act, entitled "An Act to regulate the Lands of the State," passed the 1st of July, 1785, shall be, and hereby are assigned, until the expiration of Seven Years from the date of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

XXVIII. And be it further enacted by the Governor, that the Lands mentioned in the Act, entitled "An Act to regulate the Lands of the State," passed the 1st of July, 1785, shall be, and hereby are assigned, until the expiration of Seven Years from the date of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

XXIX. And be it further enacted by the Governor, that the Lands mentioned in the Act, entitled "An Act to regulate the Lands of the State," passed the 1st of July, 1785, shall be, and hereby are assigned, until the expiration of Seven Years from the date of such Grants, from all Taxes hereafter to be imposed upon the Inhabitants of this State, except County and District Taxes.

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END OF THE MINUTESSION

